

# UNTIL DEATH DO US PART

## The Faces of the Death Penalty

By: Caroline Planque



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Europeans like to think of themselves as progressive in the field of human rights and for the most part, even though extreme right parties regularly try to revive the topic when a particularly gruesome murder takes place, the abolition of capital punishment in Europe appears nowadays as a given.

Rather the opposite is the norm in the United States, especially in a state like Texas, which carries out the greatest total number of executions in the country by far. Although public opinion is slowly changing, when asked, the majority of Americans claim to be in favor of the death penalty. Capital punishment in the United States is simply perceived as a valid, accepted, and justified form of punishment.

The historical contrast between the two continents is even more striking. France, my home country, abolished capital punishment in 1981 and was one of the last countries in Europe to do so., Within a year of France's decision, the State of Texas resumed executions in the summer of 1982, after a hold on the practice following a ruling from the Supreme Court in *Furman vs. Georgia*<sup>1</sup>. On June 26, 2013, a woman named Kimberly McCarthy became the 500th person executed by the State of Texas since 1982 and the 1338th overall since the nation resumed executions on January 17, 1977.

Texas is viewed by some as the modern epitome of a blood-thirsty far-west, as the normalcy of capital punishment is accepted there more than in any other state in the United States, meaning it is rarely called into question by the state's population. Rather, capital punishment is used as a political argument supporting the "tough on crime" stance during elections.

Born and raised in France, I moved to the United States

in 1997 to pursue a Master of Arts degree in Photojournalism at the University of Texas in Austin. As a recent transplant from France to Texas, I was, and still am today, shocked by the normalization, wide acceptance, and frequency of this legalized "homicide," the term actually used on the death certificate following an execution. Initially, I was simply absorbing this alternative mindset and it wasn't until 2005 that I became actively engaged with the issue. Granted, I did not take the easiest path. After careful consideration I decided that instead of joining an anti-death penalty organization, I would start corresponding with an inmate on death row. In my early days in Texas, I had no idea that corresponding with a condemned prisoner was permitted until a Texan friend told me she was in touch with an inmate in Texas, having received a request for correspondence through a nun she knew well. Although it would take me a year to decide to start a correspondence, it felt right away like a more honest and involved use of my time and energy in terms of exposure and of the impact I could have, even if it was only for that one correspondent. It also suited my independent nature better, rather than being part of a group. And indeed, that direct exposure allowed me to observe and gain knowledge of the realities of capital punishment in a way that would have been impossible otherwise. In hindsight, I was also looking for a story to tell, or rather, making it possible for the story to come to me. This article discusses the journey I undertook from the first letter I sent to death row to the genesis, birth, and completion of a project documenting the widespread impact of capital punishment through a combination of still photography and interviews.

**Gloria Rubac****Activist, pen pal**

Both these cases really struck me because of their similarities: Both men were innocent and racism was flourishing at their trial. When Ricardo went on trial in downtown Houston, the Klu Klux Klan had a protest in their hoods and robes in front of the courthouse. They were saying, “Fry that illegal alien.”

They arrested Clarence, who at that time was in his 30s, and also this old white male who was mentally limited and also an alcoholic. They stood both men there and said, “One of y’all is gonna pay for this.” They looked at Clarence and said, “Since you’re the nigger, you’re elected.” And they arrested him without any evidence.

Many of them come from very poor families, very few from middle class families, and many from dysfunctional families with problems because of the poverty. Poverty can consume a person. Alcoholism, drug addiction, mental illnesses in the families of the guys on death row are all prevalent... But many of them—and it’s interesting—once they got to death row, got off of alcohol, got off of drugs, and had time to think about who they were and what the heck they were doing on death row, became different people, and some of them are actually quite brilliant and interesting to visit.

The conditions on death row aren’t even suitable for animals... Their only human contact, if you can call it human, is with the guard that shackles them and takes them to shower and the guard that shackles them and takes them to recreation and strip-searches them. They eat in their cells, and they sit in that cell all day... That’s how isolated they are. And this is causing severe mental illnesses. A lot of them have gone crazy... I would say the majority have developed some sort of mental illness.

Being involved with the death penalty has just validated all my views on how the system is set up. It’s not set up for people. It’s set up for the very elite, the rich, the corporations, and the military industrial complex that wants to rule the world.

**Entering the world of death row**

Within a year of corresponding with Christopher Coleman, I visited him for the first time. By then, I was fairly involved with the legal aspects of his case, which also granted me first-hand exposure to the judicial proceedings of capital punishment cases. While a few select cases, like that of Troy Davis<sup>2</sup>, make it to the news and attract public support, Christopher’s case was just one of thousands of anonymous death penalty cases buried in the pile. Not a clear-cut case, it also involved two other co-defendants who received a life sentence, and a court-appointed appeal lawyer who did not do any meaningful work on the case. By the time Christopher was executed by the State of Texas on September 22, 2009, a very small group of supporters had rallied around his case. Although none of us was physically present in Texas on the day of his execution, we were in close contact with him throughout the day, as he was able to make phone calls once he was transferred to the death house. While his lawyer remained incommunicado about the status of Christopher’s last two appeals, we took it upon ourselves to track online the responses from the various courts and to share them with Christopher over the phone. On the other end of the line, Christopher was analyzing them and asking for yet another appeal to be filed. Yet none of us knew where his lawyer was. The process was excruciating - like watching someone drown in front of you without being able to do anything. There was still no word from the Supreme Court by the time the line was cut an hour before his scheduled execution. Only an hour and a half later did we learn through the news channels that he had been executed. He died completely alone: he had requested that no loved ones witness his execution. The surviving witness in his case

did not attend either. It was just him, the prison staff, and a few journalists. Another normal execution day at The Walls Unit in Huntsville.

Christopher was an extremely complex person, always very wary that his situation and story could be used by some outsider for their own purpose or project, as frequently happens on death row. I always followed his wishes, respecting the privacy of our correspondence and relationship, and that of his family. Indeed, this is the first time I have written anything pertaining to his case and execution.

I visited Christopher a few times on death row while he was alive. It was literally inside the visitation room that this project was hatched and emerged in parallel with my visits.

The walls of Death Row, both inside and outside, create a particular microcosm, with its own code, issues, and relationships that often come with exacerbated feelings because the stakes are so high. Several inmates have told me that no matter how much they try to explain it, it is impossible for an outsider to understand what goes on inside the walls of the row. But the stigma of the death penalty does not stop within the walls of the row: any crime (capital or not) creates de facto a relationship between individuals who in all likelihood would never have met otherwise. Capital punishment affects a host of these individuals to various degrees: the inmate and his loved ones, the family of the victim, as well as the different actors of the justice and prison system: lawyer, district attorney, warden, chaplain, and so on.

**An unlikely community**

Besides Christopher, my first connection to death row/capital punishment was with other pen pals. I was stunned to



Anthony Graves

Former death row inmate

Prison is a state of mind. Where I was, I was just under extreme circumstances living my life. But I was still living. It was my journey, and I knew that I was coming home, because I had no reason for being there. But while I was there, I knew I had to soak up as much as I could so I could come back out here and share it with everybody, to let people know how barbaric it is down there. I haven't lost hope in people or been afraid to open the door, because when we put life in perspective, we understand that everything we go through is just part of our journey. Learn from life and teach life to others. That's what I do. It was just an 18-year journey.

I don't think that my mother would have felt that the system was working, because her son had two execution dates as well. The State, the system that the governor said is working, tried to murder me twice.

We can march, we can protest, we can do all of those things, but what we do then is put people on the defensive side. They'll stand on their positions then. But if we go to them and try to educate them based on our experience or the knowledge that we have, then we have an open conversation and we communicate. All of a sudden, people start to listen.

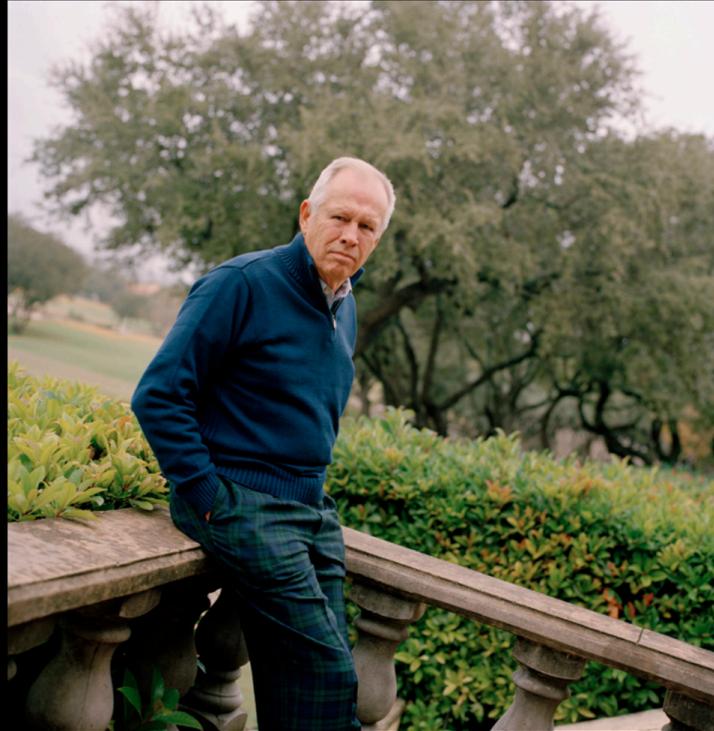


Lee Greenwood-Rollins

Mother

There was a lot of prosecutorial misconduct in Joseph's case. The lawyers were incompetent; they did not raise issues when they should have. There are a lot of things a family member doesn't know, but you learn as you go along, and a lot of times, it's too late when you learn. And here in Texas, things that are not brought up at trial cannot be brought up on appeal. When you get incompetent defense at the trial level, it just seems to doom you throughout the rest of the ride. The process is not very fair at all. We are in the business of getting convictions and sending people to prison, and that's what we do. Prison is a money-making business. And if we could ever get the public to realize that everyone is at risk, just maybe we could get rid of the death penalty and clean up a lot of the corrupt system.

I've heard people say, "I am not going to live past 25 anyway." Well, it's very sad to hear a young person say that they are not going to survive past the age of 25. That's a bleak outlook on life. What is causing a young person to think that? I think the common denominator is poverty. If you are within a certain socio-economic community, things are going to happen and it is not going to be positive in the judicial system. Prejudice is still alive and well. It's just not as blatant as it used to be.



Sam Millsap

Former District Attorney, Bexar County

The death penalty has always been part of the fabric of this state. It is almost as if we're wired genetically to believe that the death penalty is a good thing... When I ran for district attorney in 1982, I didn't give it a lot of thought. I knew that if I wanted to win, I had to be for the death penalty. And I didn't have a problem with that.

As a Texas big city district attorney, I literally had the power to decide whether somebody should live or die, and when I say that, I don't mean to minimize the role of the court or the jury, but the reality is that, in America, not just in Texas, the prosecutor drives the criminal justice system.

The reason the Cantu case is more important than other possible innocence cases is that the system worked exactly the way it was supposed to work. Cantu received a perfect trial: he had an honest, ethical prosecutor; he had a competent defense attorney; he had a tough but fair judge. Yet, here we are 28 years later and we're still trying to figure out whether he was guilty or not.

I still believe that the State has the power, but I believe that it is immoral for the State to exercise that power when the State knows that the potential for errors is as great as it is. It seems to me that it's immoral to subject people to the possibility of death when there are alternatives that are less costly and when the system is as subject to errors in so many different ways as our system is.

When I acknowledged the mistakes I made, people cried. And they cried not because they felt bad about Cantu or because Cantu was dead. They cried because they wished desperately that I was the D.A. in their community. It's so upside down that we find ourselves in a situation where, because of the attitude of most prosecutors and former prosecutors, we honor a former prosecutor who acknowledges having made a mistake. Think how bizarre that is. Nobody apologized to these 22 guys I spent time with and who in some cases spent decades on death row. Their lives have been shattered: they can't get jobs, and psychologically they're a complete mess in most cases. The treatment that people receive, day in and day out, on death row systematically strips them of every vestige of human dignity. In most states, they are by themselves 23 hours a day. And then the courts decide after 10 or 20 years that they are innocent and they shove them out the door.

discover that in the visiting room, most seats were taken by European women visiting their husbands on death row. These women had started corresponding with inmates, had fallen in love, and the couple had married by proxy, without the chance of ever being physically present in the same room. These relationships are entirely virtual. This phenomenon never ceases to fascinate the public and although it is widespread (the vast majority of European visitors are married to or in a relationship with an inmate), I have always felt that dwelling on it tends to lessen the horrific reality of capital punishment. A few of the women I have met were incredibly committed and involved in their husband's case, and fully understood the legal proceedings. But one also encounters prison groupies who focus solely on their relationship with the inmates, which often leads to a lot of unnecessary drama. Claiming that these women are seen as objects for manipulation by the inmates would be a gross oversimplification. Some relationships are genuine and built on a joint struggle against the system, although this happens more often in truly platonic friendships. Other romantic relationships fulfill a need on both sides of the wall: for the inmate, who often lives in complete isolation from the free world (especially in Texas where inmates have been kept in solitary confinement for the past 13 years), it is a way to gain some form of access to the outside, while obtaining some sustained support; for the person on the outside, it is about having someone who is attentive and entirely devoted to their emotional needs in a relationship that remains physically safe.

The pen pals are in a way the visible tip of the iceberg, because they tend to be the ones who allow the inmate to achieve more online visibility by creating a website or post-

ing pen pal requests. The pen pals are the easiest to find and connect with. They are also the ones who have chosen to be in this situation or form of relationship. Everybody else in the death row community is there because of the circumstances. Over the months I spent interviewing and photographing pen pals, through them I was put in touch with various family members of both the inmates and victims. And while trying to find some legal aid for Christopher, I also encountered a few incredible defense lawyers. Once I had my foot in the door, so to speak, it was just a matter of perseverance to find and connect with the warden, district attorney, chaplain, and other more remote individuals. Hearing the different perspectives made for an incredible patchwork of mixed emotions, human resolve, dignity, and suffering. Moreover, each story seemed to reinforce the utter lack of any sense of fairness and consistency within the justice system.

The death penalty is often thought about by the layperson in abstract terms as a punishment in response to a particular crime. Yet in reality, it impacts many individuals beyond the inmates themselves. These people are on the frontline. Their words need to be heard in order to get a fuller appreciation and understanding of the consequences of capital punishment. Their stories need to be placed in a broader context as a reflection of the values placed on human lives by a society that resorts to capital punishment. Only then can a more informed dialogue take place about the usefulness and fairness of such a sentence.

In my experience, any discussion about capital punishment in the United States proves to be extremely difficult, as opinions tend to be so polarized. When I first became involved in Christopher's case and started the project, people would



James Rytting  
Attorney

The Texas judicial system is not independent from politics. That is the main problem. It is not an independent judiciary. A judiciary is basically a public good when it is independent. Here, it is subservient to political interests and therefore subservient to right wing and money interests. There are other systems in which the judges are selected, but Texas is about the only State where every single judge is elected.

When you get into the Federal system, where I usually have my appeals, you must demonstrate that the State Court decision was contrary to, or a not reasonable application of, the Federal law as determined by the United States Supreme Court. So it's not enough to show that the State decision was incorrect; you have to show that it was unreasonable. It sounds as if it's a tightly-worded and well-thought-out standard, but it basically gives the Federal Court discretion to hold up any decision they wish. It's a ruse. It makes it look as if there is careful consideration of the case, but it's just a ruse. I think it has also led to a very distorted system of precedents in the United States, something that is not looked at carefully enough. You have a system of precedents in which the courts are making decisions in which they say, "Well, this decision may be incorrect, but it's not unreasonable."

change topic when I initiated a discussion or conversation about him or about the death penalty. Interestingly, it was only after some of the interviews were published in France and exhibited at the 4th World Congress against the Death Penalty in Geneva and across France that my project gained enough legitimacy to enable the discussion to take place in the United States. In France, I had the opportunity to participate in a group panel in a high school classroom presentation and discussion, which reinforced the point that continuing education on the topic is necessary, even in an abolitionist country. In western society, where violence has become a daily and sanitized occurrence in the media and online games, it is far too easy to consider capital punishment as a simple abstraction.

I became involved and started this project because I was morally opposed to capital punishment. After years of documenting the death penalty in Texas, my opposition has become more pragmatic than moral. The system is neither fair nor consistent. I do not view myself as a "bleeding heart liberal," as most pro-death penalty people would characterize me. The sad reality is that most death row inmates are guilty and need to be locked up. They own a tremendous, almost insurmountable moral debt to society and to their victim's family. But the publicly accepted response to that debt is violent in itself. Some victims' family members I've met, such as Linda White, Ron Carlson and Jan Brown, found the courage to raise their voices against the current practice of punitive justice and further the concept of restorative justice. Their testimonies are incredibly powerful and humbling at the same time. They tried, sometimes successfully, sometimes not, to alter the course of events by reaching out to the offend-

ers who had caused them so much pain and trauma. They are at the forefront of a new paradigm promoting rehabilitation. One road can be through mediation where the offender and the victim can enter a dialogue beneficial to both parties. The other route could be by making those offenders who can do so without posing a threat work, or contribute in some capacity, to repay their debt to their victims or to society. Unfortunately, for many of us, it is simply unacceptable that some form of positive outcome or redemption can later emerge from what started as a horrific act of violence. Isn't it high time we start looking at the reasons that lead us to that belief?

### Biography

A native of France, Caroline Planque graduated with a Master of Arts in Photojournalism from the University of Texas at Austin. Her articles and photographs have been published in various newspapers and magazines in France and the United States. Her photographs have been exhibited in the United States, Canada, France, and Switzerland. Her current project "Until Death Do Us Part" documents capital punishment in the State of Texas and has been exhibited at the 4th World Congress Against the Death Penalty in Geneva, as well as in cities of Paris, Nanterre, and L'Aigle, where she was invited to participate in a panel discussion in conjunction with the 30th anniversary of the abolition of the death penalty in France. She is currently looking at publishing a book that will assemble a collection of about 28 different portraits and testimonies.

### Footnotes

<sup>1</sup> *Furman vs Georgia*: In *Furman v. Georgia*, 408 U.S. 238, 92 S. Ct. 2726, 33 L. Ed. 2d 346 (1972), the U.S. Supreme Court struck down three death sentences, finding that they constituted Cruel and Unusual Punishment in violation of the Eighth and Fourteenth Amendments to the U.S. Constitution. The Supreme Court decision ruled on the requirement for a degree of consistency in the application of the death penalty. The case led to a de facto moratorium on capital punishment throughout the United States, which came to an end with the *Gregg v. Georgia* verdict in 1976. Hailed at the time as a victory for opponents of the death penalty, *Furman* actually helped states rewrite their death penalty laws to pass constitutional muster.

<sup>2</sup> Troy Anthony Davis (October 9, 1968 – September 21, 2011) was an American man convicted of and executed for murdering of police officer Mark MacPhail on August 19, 1989 in Savannah, Georgia. Davis maintained his innocence up to his execution. In the 20 years between his conviction and execution, Davis and his defenders secured support from the public, celebrities, and human rights groups. Amnesty International and other groups such as the National Association for the Advancement of Colored People took up Davis's cause. Prominent politicians and leaders, including former President Jimmy Carter, Rev. Al Sharpton, Pope Benedict XVI, Archbishop Desmond Tutu, former U.S. Congressman from Georgia and presidential candidate Bob Barr, and former FBI Director and judge William S. Sessions called upon the courts to grant Davis a new trial or evidentiary hearing. Nearly one million people signed peti-

tions urging the Georgia Board of Pardons and Paroles to grant clemency. The Board denied clemency and on September 21, 2011, it refused to reconsider its decision. After a last minute appeal to the United States Supreme Court was denied, the sentence was carried out through lethal injection on September 21, 2011.

### Further Reading

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