

Sentenced to Death

by [Theodore Dalrymple](#) (November 2019)



Sentenced to Death, Eugenio Lucas Velázquez

There are few people, I imagine, who are completely uninterested in the question of the death penalty, just as there are few who remain indifferent to murder. I hope, therefore, that I shall not be thought unduly ghoulish when I confess that I recently read two books about Death Row in Texas, as enthralling an address as exists. Neither of these books was a literary masterpiece, but just as, in the words of Dr Edmond Locard, one of the founders of modern forensic science, every contact in a crime leaves a trace, so no book has nothing whatever to teach us.

One of the books consisted of the dying statements of the condemned men and women, and also the contents of the last meal that they ordered on the eve of their execution; the other was the memoir of a local journalist called Michelle Lyons, who, from what seems to me a very early age, attended over 200 executions, all of them by fatal injection, on behalf of a newspaper. She was, as it were, the execution correspondent of her newspaper.

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There has long been a literary fascination with condemned men and their deaths. Dickens, Thackeray, Tolstoy and Turgenev all attended executions; Dostoyevsky, Arthur Koestler and one of the greatest South African writers, Herman Charles Bosman, were all reprieved from the death penalty. Days of public execution were at one time as public holidays, and local printers and publishers exploited the situation by printing chapbooks and posters of the supposed last confessions of

those executed, as well as doggerel poetry about them, often printed in runs of many thousands, the vast majority of which did not survive. One of my treasured possessions is a very rare contemporary poster with an execution-by-hanging poem about the 'Prince of Poisoners,' Dr William Palmer, executed publicly before Stafford Gaol in 1856, who had been found guilty of one murder by poisoning and suspected of many more. The poem was written in his voice but without his authorisation. The crude sketch-portrait above it, supposedly of Palmer, bears no resemblance to him and was merely a stock image. The poem is, as poetry, abominable, as was—no doubt—its subject, and was hastily composed by a man of less than ordinary ability:

In Rugeley I was once respected,
A gentleman lived at my ease,
With noblemen I was connected
And sporting men of all degrees.
Although a doctor no one knew me
To do anything amiss,
Now every one strives to undo me,
I never though I'd come to this.

Even this doggerel, however, has something of interest to tell us. 'Although a doctor no one knew me/ To do anything amiss': surely a curious little beam of light shone on the esteem in which doctors were held at the time.

The nearest I ever came to witnessing an execution was in Maiduguri in Northern Nigeria. I had just arrived in town from the Cameroonian border and the town was empty; nearly everyone, I was told, was away at the public executions. I wondered whether, if I had arrived a little earlier, I should have gone too; probably I should have, telling myself that I was only following in the steps of Dickens, Turgenev, etc., and pretending to a higher purpose than mere salacity. Most of the events at what was



EXECUTION OF PALMER.

called 'the execution ground' were televised that night, watchable in the bar, and one of the three to be executed, tied to the post against which he was to be shot, told the interviewer, who asked whether he had anything to say the viewers at home as he stuck a microphone into his face, that he was innocent. He might well have been, too, considering how well everything else worked in Nigeria.

Quite a number of the 391 people executed in Texas between December, 1982 and April, 2007, whose final words or written statements are recorded in the first of the two books (some of the 391 remained completely silent in the face of imminent

death) claimed to the very last breath to be innocent. It is a troubling question as to how many of them actually *were* innocent, for anyone can see that to execute an innocent man is indeed a very terrible thing.

The deathbed testimony of a man was the only testimony that could be entered as evidence in a court case without the possibility of cross-examination. This was presumably because a dying man was thought to have no motive to lie, his earthly career, however discreditable it might have been, now being over. But this can hardly be taken to mean that a man who proclaims his innocence moments before his execution actually *is* innocent, for he might still have a desire to cause difficulty for those he leaves behind. But the fact that such a motive is possible does not mean either that he *must* be lying. And given that a number of convicted persons on death row have been exonerated many years later by DNA evidence, even after several rejected appeals, I would be inclined to suspect that innocent persons have been done to death in Texas (as elsewhere).

This is not because of a lack of scrupulosity on the part of the criminal justice system: on the contrary, it seems to me to exhibit an over-scrupulosity that could almost be interpreted as legal sadism. On average, the men (very few women) spent more than 10 years on Death Row, and a few of them more than twenty years. This seems to me cruel and unusual punishment, if that term has any meaning at all; and if a system takes so long to assure itself that an accused really *is* guilty of a heinous crime meriting the death penalty (and there are some crimes committed that are so heinous that few people would deny the *justice* of such a penalty, whatever the other demerits of the death penalty), then it has no business to be putting people to death at all. In short, this

extreme scrupulosity is evidence of incompetence and a justified absence of self-confidence.

If I were sentenced to death, though, would I take the view that if it were done at all, it were best done quickly, or would I, on the contrary, hope for last-minute delays, like the eight stays of execution that Caryl Chessman, the notorious case in California during the 1950s, experienced? Would I prefer to play mouse to the state's cat than meet my death straight away? It is difficult to say: as I once replied to the defence attorney in a murder trial in which I was giving evidence, who asked me whether the accused's conduct was rational (he killed the mother of his stepchildren by strangulation, hid her body in the trunk of his car and then, later that day, drove the children to school with her still in it), I replied that I didn't know, I had never been in that situation.

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Not all the condemned men proclaimed their innocence to their last breath, far from it. A handful said that they were getting what they deserved; others that they were guilty and, having changed in character their time incarcerated, regretted what they had done and asked for forgiveness from the relatives of their victims who attended their execution. Still others admitted that they were guilty, but inveighed against the death penalty which (according to them) only speeded the cycle of violence in society or was useless. Henry Earl Dunn junior, who at the age of 19 abducted, robbed and killed a 23

year-old man with an accomplice called Donald Loren Aldrich (Dunn was black while Aldrich, executed seventeen months later, was white, an example of interracial cooperation), wrote in his final statement 'Please continue to struggle and fight against the death penalty, as its only use has been for revenge, and it does not deter crime,' the latter a disputable claim, and not a decisive argument if true. By contrast, Aldrich, who was 29 at the time of the crime and might therefore be assumed to have been the leader in the enterprise, merely asked for forgiveness. Was his survival on Death Row longer by a year for a crime committed at the same time proof of systematic racial bias in his favour, or even against him, or was it merely a sign of the bureaucratic capriciousness of the system?

As might be expected in such a book, there were few lighter moments, though one could hardly repress a smile when one learned that a last requested cigarette was denied to those to be executed on the grounds of the no smoking policy of the prison, at least on Death Row. Surely only the bureaucratic mind could think of such a denial, the mind that unites bureaucrats the world over. One prisoner asked for the vegetables that he requested in his last meal be washed (he was afraid, presumably, of the carcinogens in which, unwashed, they might be covered), and one of the executed, having eaten his last meal, said 'My compliments to the chef.' But I have to confess to the thought, frivolous in the circumstances, that the last meal requests of the condemned men reveal and reflect the terrible diet of Americans, at least of the class most likely to be executed.

The memoir by Michelle Lyons began with a memorable anecdote:

I don't remember his name . . . What I remember most is the nothingness. No family members, no friends, no comfort. Maybe he didn't wasn't them to come, maybe they didn't care, maybe he didn't have any in the first place. There was nobody bearing witness for his victim either.

At the moment of his execution:

The man didn't look to the side. When the warden stepped forward and asked if he wanted to make a last statement, the man barely shook his head, said nothing and started blinking. That's when I saw it: a single tear at the corner of his right eye. A tear he desperately wanted to blink away. It pooled there for a moment before running down his cheek. The warden gave his signal, the chemicals started flowing, the man coughed, sputtered and exhaled. A doctor entered the room, pronounced the man dead and pulled a sheet over his head.

The quasi-medical way in which executions were carried out—the anaesthetic from whose bourn no traveller returns—appals me (they disinfect the condemned man's skin before inserting the cannula through which the fatal chemicals are to flow, another instance of the operation of the bureaucratic mind). I am far from sure also about the presence of witnesses from what I suppose I must call both sides, as at a wedding—although it is not clear at an execution who is the bride and who is the groom.

The author, who began as a firm partisan of the death penalty, and who accepted her attendance at execution as a job like any

other, believing herself to be unaffected by what she saw, gradually began to experience a vague unease, and finally came to the conclusion that the death penalty was wrong. In this, she followed the trajectory of Albert Pierrepoint, the British hangman who executed over 600 people in his career, including at Nuremberg, and who at the last came to believe that his life's work in this field (he was only semi-professional, he also ran a pub) had served no useful purpose. That, surely, must have been a burden on his conscience, to have killed 600 men to no good end, or to have done so believing it to have been to no end, whether 'objectively' it was to no end or not. I once found new and previously unsuspected evidence that the death penalty, in Britain at least, *had* deterred crime, but efficacy is not a complete defence of the practice, except perhaps for a crude utilitarian.

If the death penalty is wrong, are the last words of one convicted murderer, kept eleven years on Death Row, justified: 'I forgive all of you and hope God forgives you too'?

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