Mark Gonnerman: Good evening, everyone. I’m Mark Gonnerman, the Forum’s director, and once again, it is gratifying to see so many people gathered here in Kresge Auditorium for a conversation that explores democratic ideals and through that inspires social hope. Tonight we discuss “Arbitrary Convictions: Capital Punishment in the United States” with Sister Helen Prejean, author of *Dead Man Walking*, a book that opened the national conversation about the death penalty. More recently she has written *The Death of Innocents: An Eyewitness Account of Wrongful Executions*. She is joined by Larry Marshall, founder of the Center on Wrongful Convictions at Northwestern University in Chicago, who is now on the faculty here at Stanford Law School. Professor Marshall worked with Governor Ryan in Illinois to create a moratorium on capital punishment in that state. Tonight’s conversation is moderated by Bill Abrams, whom I will soon introduce.

We will follow our usual format with 45 to 50 minutes of on-stage conversation followed by another 45 minutes of audience conversation. If you have a question or a brief comment, please take a place in line behind one of the two aisle mikes and the moderator will recognize you.

Tonight’s conversation is being recorded by KQED Public Radio for future broadcast. Please visit our website, www.auroraforum.org, for details about this and other Aurora Forum programs.

It is a pleasure for me to introduce our moderator tonight, Bill Abrams, who was immediately recommended to me by Larry Marshall as this program was in its initial planning stages. Bill is a skilled lawyer who was educated at Stanford and Santa Clara University School of Law. He is both a faculty member at Stanford and a senior partner in the firm of Pillsbury Winthrop Shaw Pitman and is head of that firm’s intellectual property litigation team. In addition, he takes on high-profile pro bono matters for the U.S. and California Supreme Courts. He is currently working to overturn the death sentence conviction of Jimmy Davis, a prisoner on Alabama’s death row since 1993, and Melvin Davis, who has been on death row in Alabama since 1998. At Stanford, Bill teaches courses on children’s legal issues and on the death penalty in the human biology program. An outstanding university citizen, he is also active in supporting the Abrams Fellowship at the Haas Center for Public Service, a program that awards fellowships to undergraduates to work in public interest law.
Thanks to each and every one of you for taking the time off from your busy schedules to be with us tonight to think about one of the most important civil rights issues of our day. Please join me to welcome our extraordinary guests to the Aurora Forum stage.

[Applause]

**Bill Abrams:** Mark, thank you very much. Welcome to all of you, the members of the Stanford community and our local community, students, and faculty. A warm welcome to Larry and a warm welcome to Sister Helen for coming this distance to share some time with us this evening. We spoke at some length before beginning this evening and we have some materials describing at some length the backgrounds of Larry and Sister Helen, and we decided it might be better if they said a few words about themselves first, and then we’ll get into our conversation. Sister Helen, welcome.

**Sister Helen Prejean:** Thank you. I’m Sister Helen Prejean. I come from New Orleans, Louisiana, God help us, hauling stuff out of the hurricane, evacuating Baton Rouge. I wrote a book, *Dead Man Walking*. Perhaps you’ve heard of it or seen the movie. And then, just recently, I wrote a book, *The Death of Innocents*, about accompanying two people to execution that I believe were innocent. I’ve accompanied six human beings to execution and I also work with murder victims’ families.

**Larry Marshall:** My name is Larry Marshall. I’m a professor here at the law school where I direct the clinical program. For 15 years before coming here, I was at Northwestern, as Mark stated. At that institution, I ran a program called The Center on Wrongful Convictions that began to uncover wrongful convictions and then began to uncover more fundamental aspects of problems with the death penalty as well, ultimately leading to Governor Ryan’s commutation of the sentences of 171 people, all of the people on Illinois’ death row.

**Abrams:** Larry and Sister Helen, there are many profound issues of social injustice that confront us. What was it that led each of you to center on the death penalty and capital punishment in America as what you would spend your time working on?

**Prejean:** Well, I am a Catholic nun, and I started out teaching English and religion to kids in a parochial school, and I never dreamed I would get involved with the death penalty. For me, what led into it was I got directly involved with poor people. Those are the people you saw in the Superdome and when Katrina hit. When you had an evacuation plan for the city of New Orleans and it didn’t include 150,000 people who didn’t have cars, those are the people. And that awakening—to get involved with a lot of poor, struggling people—for me came directly out of the gospel of Jesus and understanding the gospel in a new way.

I was always deeply attracted to the ways of Jesus and I was a prayerful nun. I was a good nun and all that, but I didn’t get the thing about social justice. I said, “Look, we’re nuns; we’re not social workers. How are we going to do all of that social justice stuff?” And then I got hit. I went to a conference and heard a talk about Jesus, and when you
read the gospels very carefully and don’t get bought by all this “Christianity lite” stuff—Jesus being quoted to drop bombs or whatever—you see that Jesus was always on the side of the marginalized, the throwaways, the people considered disposable human waste of his day. And he inaugurated a new kind of community where everyone was treated with dignity, which succeeded in affronting everybody, including the temple cult, and it led to his execution by the state. And when I realized that, I moved into the St. Thomas housing project in New Orleans. This was in 1981. My awakening came late, but it doesn’t matter when you awaken; it’s what you do after you awaken.

And it’s while I was in St. Thomas working among poor, struggling African American people, that one day I got an invitation to write to somebody on death row. And I thought I was only going to be writing letters. It was 1982. We hadn’t executed anybody in Louisiana for 15 or 20 years. Nobody was executing anybody. It was a time of an unofficial moratorium. I write the letter. You know the problem? The guy wrote back, and we had letters going back and forth between the nun and the murderer, or however you want to characterize it. But the guy was a human being and he had nobody to visit him. I’d go visit him, and I ended up two-and-a-half years later walking with him to the electric chair and saying to him as I did that, “When they do this, look at me, look at my face.” If you see the movie *Dead Man Walking*, I worked very, very closely with Susan Sarandon and Tim Robbins, and we bring you on a very deep journey in that film over to the horror of the crime, the outrage we feel over it, and then over to what it means to have the state kill a human being. The suffering of the perpetrator about to be executed and the suffering of the victim’s family and what they’re going through in having a loved one killed. And when Patrick Sonnier was executed on the night of April 5, 1984, I came out—it was the middle of the night and I’d never watched anybody killed in front of my eyes before—came out of the execution chamber and threw up. And it was then I realized that the people of Louisiana—the polls were saying that 80-some percent of the people supported the death penalty—were never going to see this. It’s almost a secret ritual, and I had been a witness.

I had to tell the story, so I began. I began to talk to people, whoever would listen—some pitifully little bitty groups. And then I wrote a book. I mean, I never dreamed…. When you write a book, it’s like a child. It has legs; it goes where it wants to go. Well, the book then walked to the lap of Susan Sarandon, who read the book, and I met her. She said, “Tim Robbins is the one who will do this film,” and so we had a film, *Dead Man Walking*. And then she got the Academy Award and it gave the book over to the whole world; 1.3 billion people were watching the night of the Academy Awards. And so then the book was translated in 12 languages and popped up to the top of the *New York Times*’ best-seller list for 31 weeks. It was all like a miracle. I just wanted to get the story out. I just wanted people to get close to this thing. Then the opera of *Dead Man Walking* was done, and now Tim has written a stage play of *Dead Man Walking* for college students to do. And it’s all about deepening the discourse. I continued to accompany people, one by one, and of the last three people I was with who were executed I believe two were innocent, and that is the story of my second book, *The Death of Innocents*. I’ll say a little more about that later.
Abrams: Larry, just by your personal odyssey, how did you get involved in death penalty work?

Marshall: I didn’t get there through a nunnery. I got there through a yeshiva, which is not too dissimilar a route. I had gone to law school believing that the law was about trying to find a mission and trying to find a way to serve. I graduated, went off to clerk, and got my exposure to the death penalty when I was clerking at the U.S. Supreme Court. And what I learned there was that the death penalty was as racist an institution as America knew—that if you killed a white person, your chances of getting the death penalty were astronomically higher than if you killed an African American or Latino. That remains the case today, by the way, here in California. I knew that it was arbitrary. I knew that it depended on bad lawyering, but I also believed, as I think a lot of people believed in the late 1980s, that there was one thing you could take to the bank, and that is, if you are on death row, you at least did the crime. Maybe it wasn’t fair that you had been sentenced to death, maybe other people who also did crimes hadn’t been sentenced to death, but you knew that that person did the crime because we had such extreme measures of protection against convicting the innocent.

And in 1990, I was teaching law at Northwestern and I was standing by an elevator bank one day when a lawyer came over and said, “You want to take a death penalty case?” I said, “I don’t know. I’m supposed to be writing articles and trying to get tenure. Death penalty cases are big deals.” Little did I know how big a deal it was going to be, but I went home and looked at the case and came to believe without any question that this man was innocent. This was in September of 1990. I still didn’t know whether I wanted to take the case.

This is where our odysseys come together. I was in synagogue on Yom Kippur, the Day of Atonement, the holy day, thinking, Do I take the case? Do I not take the case? And then you get to the passage where it’s written on this day who shall live and who shall die, who by fire, who by water, who by stoning, who by hanging. And then it says that if you pray and if you do acts of righteousness, and if you repent, you can change the decree. And it dawned on me that it’s not that you change the decree because you get God to pull a button or push a switch and all of a sudden the decree is changed; you change the decree because you throw yourself into the work, because you pray and realize what your mission is. And at that moment it became clear I had to take this case. If I didn’t, I was a fraud calling myself a lawyer who cared about justice. It became clear that this had fallen into my lap for a reason, just as if a million dollars fell in my lap I wouldn’t have said, “Not the right time. Sorry, too busy to manage my money. I’m trying to get tenure.” I had no more of a right to say it when this kind of opportunity, so much richer than money, fell into my lap. And from there, just as Sister Helen, I began to be exposed to more and more cases, recognizing this was not an aberration; this was a norm, this was a pattern. And I began to understand the extent to which not only innocent people were on death row but that death row was populated with people who none of us would consider truly to be the worst of the worst if we really analyzed the truth of their lives, their histories, their realities.
Abrams: You both raised the issue of religion. Justice Scalia assures us that there are foundations in support of the death penalty in both the Old and New Testaments. I know that in your book, Sister Helen, you have a few words for Justice Scalia. You each come from religious backgrounds. What are your perspectives on the religious underpinnings for the death penalty?

Prejean: Let me tell you, I definitely believe in the providence of God because it took four years to write The Death of Innocents, and I didn’t know why it was taking me so long, but now I know. Because, you see, Justice Antonin Scalia, a graduate of Georgetown, a good Catholic guy who goes to Mass every week, goes duck hunting with my brother Louie in Louisiana. And I was coming from giving a talk at Georgetown and he was standing there in the New Orleans Airport—just as I’m writing the chapter about the things he said at a conference in Chicago. It was called “Day of Reckoning: Religion and the Death Penalty.” It was a Pew Forum in Chicago. And I had had the transcripts of what he said and I couldn’t believe what he was saying. And there I meet him in the airport. I didn’t even address him by his title or anything, I was so shocked that there he was fiddling with the headphones of his CD player. I walked up to him and I said, “Are you Scalia?” And he has this great sense of humor, and he says, “Well, somebody’s got to be.” (Fiddle, fiddle). I then said, “Justice Scalia, I’m Sister Helen Prejean. I’m Louie’s sister.” He says, “You’re Louie’s sister?” And so it began. And that opens up the chapter called “Machinery of Death.” He says, “I know with my fifth vote, when combined with four others, I become part of the machinery of death.” And then at this conference he gave a theology—I mean, it could have been by a preacher in Alabama, a fundamentalist preacher quoting from the epistle of St. Paul to the Romans, Chapter 13: “The wrath of God has been turned over to government to execute the wrath of the sword on evil-doers.” I mean, he made these amazing statements about the more Christian a country is, the freer we feel to use the death penalty because we’re executing God’s wrath on evil-doers. And the reason Europe doesn’t have the death penalty is because they’re not Christian anymore like we are.

Now I hated to see that happening to Jesus. I mean, I just hate to see people taking Jesus and using religion in this way to uphold violence and to uphold vengeance. And so the discussion is very deep about religion. And I see religion being used all the time. We call it “biblical quarterbacking.” They toss in their little Bible quote and you toss back a little Bible quote, and you can go through the Bible and you can selectively quote until the cows home your favorite quote and another person’s. There were 37, and we got our guide from the Yeshiva. There were 37 different crimes in the Old Testament for which you could get the death penalty, including adultery, sassing your parents, touching sacred...and, if you had sex with an animal, the animal got the death penalty, too. Am I right? Consenting or not, the animal got it, too. And then when people want to quote the death penalty, of course they go, “Oh, ‘Those who shed blood will have their blood shed.’” And then if you look at the progression, you can talk a little bit about how Judaism put such protections around that you could never carry it out. But even by the time you get to the later prophets like Ezekiel, more and more of the direction is not to impose vengeance or pain; love becomes the dominant theme. And then you get to Jesus, and clearly Jesus was executed by the state and said, “Forgive them; they don’t
understand what they’re doing.” But it’s not like Christians practice forgiveness, but in the Old Testament that was vengeance.

Take us there, Larry. Tell us about Judaism and their approach to the death penalty.

**Marshall:** It is fascinating, as you say, the extent to which people look at the Bible and are able to derive whatever message they want from it. I often ask people who support the execution of those who kill because of “An eye for an eye; a tooth for a tooth,” and the like, whether they also support the execution of those who violate the Sabbath, because that was also a capital crime. Or whether they also support the institution of slavery, because the Bible clearly envisions slavery.

My understanding of my Bible is that it dealt with a certain time and it progressed; it took people a step further towards humanity, but it didn’t stop there. And indeed we know that in the Talmudic era, and this is so fascinating, we talk about very fundamentalist scholars here who were willing to die and did die for their interpretation of what was in the Old Testament, and yet they stand up and say that if a court would kill one person every 70 years—70 years—that court would be considered a bloody court. And then Rabbi Akiba, one of the great sages of all time, said, “If I had been on the court, we never would have executed someone.” And you ask the question, Well, how can you say that? What about all those passages in the Bible?

And this is where I think we really get back to something that I learned from you, Sister Helen, and I quote so often because it’s so poignant. The Bible may tell us who deserves to die, but the Bible can’t give us the right to kill. The Bible can’t tell us that we’re so pure, that we’re so perfect. And of course that’s spoken in a spiritual and a very pragmatic level. What the innocence revolution has taught us about the way the death penalty is administered in America is: How dare we, given our error rate, claim to have the degree of perfection that we would have to have to take the right to kill? We all know that government blunders so often. We know that government is bad at paving our roads. And who tells us that? The more conservative you are, generally the more you’d have that position. We know that government is bad at taxing us, we’re told, and certainly the more conservative you are, the more often you take that position. But we’re also told that the government should be trusted with the ultimate question of whether our children should die. I don’t understand that correlation.

**Prejean:** You know what else? Tell me what you think about this. Am I right about this? In the Supreme Court, is the criteria for the death penalty not ordinary murders, your regular garden variety murders, but only for the worst of the worst? And nobody knows what that is. I’ve sometimes been to these hearings where the state is going to write their statute about who should get the death penalty. What does “worst of the worst” mean? What states do is they take a big old bushel basket and they throw a whole bunch of adjectives at the statute: “heinous,” “cruel,” “inhumane.” Just a bunch of adjectives. But then when you go to live out of it, how practically does that shake down who the worst of the worst are? And you look at the track record now of almost 30 years
since we’ve been at this. You know who the worst of the worst are? You know who fits the profile? People who kill white people. That’s eight out of every ten people on death row. Poor people—always poor people. A lot of people with mental problems, a lot of people with brain injuries, a lot of people with violent childhoods.

What does “worst of the worst” mean? I don’t think that’s even fair to jurors. How do we know? And could anybody ever bring themselves to say, “Well, my mother was murdered, but you know, it was one of those ordinary murders. She wasn’t in a room full of people, she wasn’t part of the Oklahoma City bombing, she was just my mother. Just my mother.” Or when they write these statutes: If you kill a cop…. It’s almost a meritocracy of death. Whose death, which citizen’s death, will we give the death penalty for? OK, if you kill a cop. Now, you want to speak up for policemen. They risk their lives for us. But then you have the hearing and here’s a woman saying, “Look, you’ve got the death penalty for policemen. My husband was a firefighter and he was going up the ladder to save somebody in a burning building and a sniper killed him. How come you don’t have the death penalty for my husband? He’s a public servant. He’s not a policeman but he risked his life going into these fires.” And then you begin to think. Whose death isn’t worthy of the death penalty, and how do you write the statute? How do you determine the worst of the worst? And you ask 12 ordinary human beings to go behind closed doors and say, You go play God for a while now and then decide from what you heard. And then if you don’t have a lawyer on the other side for the defendant, you don’t have an adversarial system of coming to the truth, and it’s so complex anyway. How could we ever do this?

Marshall: Ultimately, we talked about what the juries are being asked to do. The reason, I believe—again to tie it back, maybe for the last time, to religion—is that the one commonality of our religion is this idea of loving one’s neighbor as oneself. So I’ve asked people: Imagine that you have a child who is a risk to your other children. The child goes beserk, the child takes knives, the child is at risk of stabbing the others. Could you imagine taking that child and locking that child in a room to protect your other children? Everybody says, Of course I could; of course I would protect my other children from the aggressor. If you had to, can you imagine keeping the child there for a very long time, even permanently, if necessary, to protect your other children? Yes, I could if that was my child, even though it was my child. Now I ask the question: Could you imagine going into the room and executing that child even though you could keep the other children safe by having that child stay in the room? And the parent would be horrified. You’re telling me I should kill my child when I could protect my other children simply by keeping my child in the room? Of course I would never kill that child. Well, isn’t the religious mission to say that is your child when you’re on that jury—that the idea that that’s anyone but your child is the ultimate irreligious concept?

Prejean: But you know, that’s what makes the death penalty possible. We separate people out, we dehumanize them. They’re not human the way the rest of us are. The first time I visited a man on death row, his name was Patrick Sonnier. He was the man I was writing to and then I went to see him, and he was the first story in Dead Man Walking. I’ve got to tell you: they locked me in a room after I’d been through all these
gates. “Woman on the tier,” and all that business. It’s scary to go into a prison. I’d never been in a prison in my life. And then when they locked me in a room and said, “Go get your man,” then I started being nervous about him because I thought, Well, anybody could write a nice letter. Now here I am. I’m going to be two hours with a murderer. I’ve never talked with a murderer before. What’s this guy really going to be like? He’s walking down the hall saying, I’m going to visit with a nun. Are we just going to talk about God, or what is she going to be like? Are we going to be able to have a normal conversation? And when the guard brought him in and he was locked into a little cubicle on the other side of this mesh screen, and I looked through that screen, you know what shocked me? It was how human his face was. I couldn’t believe he was a human being, and the two hours flew by.

It’s easy to kill a monster, because we get an image in our mind: Oh, these people are terrible murderers, and we never see them of course after that, or when we kill them. We have to distance ourselves in order to kill a fellow human being. It’s easy to kill a monster; it’s hard to kill a real human being. And one of the ways we distance ourselves is with the law, for the law says we can kill these people because they’re the worst of the worst. And somehow something that is the law of our country must be holy; it must be right. I don’t know what your response is to that, but there’s something about law.

I looked into the Nuremberg laws in Germany. German people loved their Jewish neighbors in the beginning. They would never have thought of taking a Jewish neighbor and turning him over and sending him to the crematorium. They wouldn’t have done that. That was their neighbor. How did it happen that the German people turned against the Jewish people so that it came to a point that when a Jewish person walked down the street with the yellow Star of David, they would spit on them or they would say, So-and-so is a Jew and these Jews are right by us; come take them away? How did that happen to the German people? It began by laws. First, Jewish people can’t raise the flag. Jewish people can’t marry Aryans. Jewish people can’t be professionals. The dehumanization of the Jewish people was happening through the laws so that finally, when they got to the point of Jewish people not being fit to live among us and we can take them away to these work camps, people had been inured to it and they didn’t see the humanism of Jews, so then it was easy to kill them.

How do we kill people? How many people have you killed here in California? Do you know? Do you know how many people are sitting on death row? What is the connection? What’s the responsibility? Where’s democracy? It’s in our names. It’s in our names that this is being done.

Marshall: Well, the answer is there are 648 people on California’s death row today, by far the largest number of any state in the country. And to those who think that, well, yes, they sit there but California doesn’t kill anyone, there are three executions scheduled in the next three months. So from a system that used to do one every few years, we’re getting on pace in this state to being a state that may be getting ready to do around one a month. And there is a real outrage among many folks saying, Look, forget about everything we’ve talked about so far. Forget about the theology, forget about the
philosophy. Just ask the basic question: Has the system earned our trust? Has the system shown that it’s so trustworthy?

And this is where I think the message of innocence is so profound. I got into this to represent innocent people. I’ve walked a dozen people off death row—innocent people who had been sentenced to death beyond a reasonable doubt. And yet I’ve come to understand that beyond the innocence problem, and it is a huge problem and you have plenty of innocent people on California’s death row, I would bet my life on it, but even beyond that question, what one has to understand is that if the system is making this many mistakes on the simple, objective question of whether somebody did the crime or didn’t do it, whether they were in Cleveland or Sacramento, how do you trust that system with the much more profound question of determining who even among the concededly guilty deserves to live or who shall die?

Looking at those kinds of intangible factors which are so incredibly difficult to try to fathom, the good news here is that notwithstanding the fact that we’re not Europe…. You know, you talk about Germany. Barry Schack, my friend, tells a story about being in Europe and Germany and talking about the death penalty, and a German judge with the thickest of accents came up, and it was clear this was a judge who had lived through the war. And he said (and I won’t try to imitate the accent), “Oh, we could never do that here today. We’ve been through what it means to have legalized killing, and we could never go near that.” And in many people’s view, that’s why Europe is so different from where we are with respect to the death penalty, having had that kind of organized killing. And I’m not analogizing it directly, but it’s a visceral experience.

The good news is that through your work, Sister Helen, through the work of the innocence revolution, the momentum has really shifted quite dramatically in this country. So last year in the United States there were 130 death sentences. Compare that to 320 death sentences every year on average going back just seven or eight years ago. There has been a real turn of the tide. People are saying, “Even if I supported it ideologically, obviously I can’t support it practically.” That’s the most profound thing and that’s why your work has been so critical. Tell me if you had the same experience. When I’ve talked to people, I’ve had hundreds and even thousands come up and talk about how they used to support the death penalty, but the more they learn about it, the more they realize they can’t support it. It’s too unfair, it’s too inaccurate, it’s too arbitrary, it’s too unjust. But I’ve never ever met a person who has said, “You know, I used to have questions or be against the death penalty, but the more that I learn about it, I now recognize how fair and just and accurate it is, and now I support it.” And the measure of any public opinion has to be that question. When people learn about it, what does it do to their support? And the death penalty is all one direction.

Abrams: Is it that black-and-white? Is it completely bad? Is there any place for the death penalty? Adolf Eichmann? Is there any room for the death penalty or is it just that cut-and-dried, black-and-white?
Prejean: Well, let me just say what I consider is the heart of this issue, because it’s not what to do about the innocent, and this is a real argument. A lot of people say, We can’t set up a fair system, so since we can’t…. This is Governor George Ryan—supported the death penalty his whole life as a politician—but said about the innocent, “It’s unconscionable.” When Tim Robbins was working on the film, he said to me, “We are not going to make this a story about somebody who is possibly innocent, because the nub—the core—of this issue and the struggle around the death penalty is, Yeah? Well, what about somebody who’s guilty? Eichmann is just such a spectacular example because here’s somebody who killed and killed and worked as part of a machinery of death.

What about the guilty? What about Timothy McVeigh? Sometimes you hear people say, “Well, let’s just have the death penalty for the Timothy McVays. OK, I grant we make a lot of mistakes, but some of these people who do these terrible crimes to people and they are guilty, we need to have the death penalty for them.” I mean, you’ve even got a governor of Massachusetts right now who wants to do a designer death penalty: Oh, no, it’s going to be with no mistakes; we’re going to use science. It’s just for the worst of the worst of crimes. And that’s the journey in Dead Man Walking.

And admittedly it’s a struggle in many of our hearts about the death penalty because when we read in the paper that there’s a mother and her two babies in a carjacking and these people killed her and killed her children, and we feel that outrage over the death of these innocent people, there’s a part in all of us that struggles with this to say, Well, if anybody deserves it, it’s this one who killed this mother and her two innocent children. When we hear of the lives of innocent people violated, we have to struggle with that because there’s an outrage we feel. I want to say the outrage we feel is legitimate; it’s a legitimate moral feeling because we should be outraged at the death of innocent people. It’s just what do we do with the outrage?

So take Eichmann. But let’s not take Eichmann. Let’s take two parents who come to a hearing in Indiana where they’re putting in the statute of who deserves the death penalty. And so they say, If you kill policemen—death penalty, kill a child—death penalty, but you have to define “child,” so it’s someone 12 or younger. And here come these parents to say to the committee designing the statutes, “Our son Paul was killed. He was the light of our lives, but he was 14 years old. He wasn’t 12 or younger. Are you saying the life of our child isn’t worth the death penalty?” And where we run into the moral quicksand with the death penalty is how do we decide finally who should live and who should die? Is it the worst of the worst to kill a child 12 or younger but not to get the death penalty for a 14-year-old or for the life of a policeman, as I used earlier, not for a firefighter or a teacher in a public school? Whose life is not worthy of the death penalty?

That’s why the practice of the death penalty teaches us so much, because in practice, emblazoned on the Supreme Court are the words, “Equal justice under the law.” And you know who gets the death penalty? The worst of the worst, as we said earlier: people who kill white people. Poor people. And the truth is that we are not equally outraged over every death in this country. “Homeless Person Killed on the Streets of Los
Angeles.” Are you ever going to see the district attorney say, “Our good, noble citizen was killed on the streets of L.A. and we’re going to go for the death penalty”? The truth is, the lives of many people that are taken are negligible; they’re not even a blip on the radar screen. Fifty percent of all homicides are people of color: Latinos, Native Americans, African Americans, Asian Americans. And there’s not even a blip on the radar screen. Sometimes they’re not even investigated. And that’s where you come back to that basic thing of who wouldn’t want to kill Adolf Eichmann? But what happens to us, then, when we put ourselves in that position to decide: “You’re going to die, but not you, and not you, but you’re going to die,” and we don’t have the standing, we don’t have the wisdom, we don’t have the ability to do it? And then add on top of it that we make mistakes.

Marshall: I spoke to a woman once, when you bring up Eichmann, who told me that she had been a lifelong opponent of the death penalty and her sister and her mother had died in the camps in Germany. When they were going to kill Eichmann, she said, “Forget it. I don’t care about my old views. I want him to be killed; I believe in the death penalty.” And she said that the night they killed Eichmann, she sat looking at her door and waiting for her sister to come back in alive, waiting for her mother to come back in alive. And she realized that the hole in her heart hadn’t been changed one iota by the fact that someone else had been killed.

My position is that if we could bring back the lives of victims by executing the defendants, then kill them all, because some of them may be innocent, but all of the victims are innocent. That wouldn’t be a hard question. And there’s an urge, there’s an instinct to say that when someone does that, and there’s the victim’s family, whom we all have so much deserved compassion for, and of course we want to give them what they want. But think about Bud Welch, whom you know so well, who lost his daughter in Oklahoma City. He puts it so well when he says, Well, if you had given me a chance to be with McVay for those first three months, I would have ripped him to shreds with my hands, and thank you so much for not giving me that chance because I want my government to raise me up. I want my society not to cater to my base instincts but to cater to my soul—to make me a better person—than I might be in my lowest moments.

Prejean: Yes. You know, I’m learning. The hero of Dead Man Walking is Lloyd LeBlanc, who lost his son David to the killer. The first story in Dead Man Walking is about Patrick Sonnier and his brother Eddie and the killing of two teenage kids. And when I found out the crime, I’ve got to tell you this, I was so horrified because I’d already met Pat and his brother and I knew they were human beings. You have this experience when you’re in the presence of a human being—all of us—that we are all worth more than the worst thing we’ve ever done in our lives. There’s a transcendence in human beings—in all of us—that’s part of our dignity. I’d met them and I found out about these two kids, David LeBlanc, 17 years old, and Loretta Bourque, 18 years old. And they were found near a sugarcane field with bullet holes in the backs of their heads. Loretta had been raped. And they did this—the two people I visited did this. I mean, then my other journey began, going into the horror.
And I had a really good editor when I wrote *Dead Man Walking*. He said, “If you don’t talk about the crime in the first ten pages of this book, unblinkingly nobody’s going to read this book: Oh yeah, she’s a Catholic nun, she’s a spiritual adviser to a poor murderer, Jesus loves him, God will forgive him. They’re not going to read your book.” You’ve got to bring people in, and it was bringing myself into it first. And the ones I have learned from—the ones who have taught me—have been these victims’ families. Lloyd LeBlanc’s son David was killed, his wife… I’d go and pray with him in this little chapel, and lo and behold, for the first time in my life, I realize I’m kneeling alongside a man who has lost his only son and almost lost his wife, who cried for three years. They had to move from the house where David had grown up because of all the memories—this is where he’d learned to walk, and all this. And they also had to move his grave close to the house so Eula could visit it every day, and she still does 20-something years later. And here’s a man who discovered the power of forgiveness. He said, “You know, people think forgiveness is weak. Oh yeah, I forgive you like I condone what you did. Yeah, you killed our only son. Yeah, it’s OK.” He said, “Condone it?” He said, “Every day of my life I wake up with my son. I put my head on the pillow at night: Our son, our son.” And he said, “The way I see it is I’ve always been a loving man.” And he said, “They killed my son, but I’m not going to let them kill me because if I let that bitterness and that hatred for what they did to David—if they were going to kill me and Jesus said to forgive and he set his face to go down that road….”

And that was the first murder victim’s family I met who saw that love would not be overcome by hate. And now, along these years as I’ve met murder victims for human rights … I was just in Texas. Every year, they go to a state and do something called the Journey of Hope. And all these are family members who have lost their loved ones to murder and who say to the government, “Don’t kill for me, don’t kill in my name.” And I’ve learned from them the huge not only injustice but the manipulation and the crassness and the cruelty of politicians using victims’ families, saying, “We’re going to do this for the victims’ families.” And look what it means. It says, “Yeah, we’re going to go for the death penalty.”

Now, of course, poor black families are never sitting in the front row to watch as the execution happens for the death of their loved ones. Very selective. Less than 1-1/2 percent of all the people in this country who kill somebody are selected for death, and it’s almost never anybody who kills somebody of color. But then to say to a family, “We so want to honor your dead child, we so have respect for life and what you’ve been through, that we’re going to seek the death penalty. Now, you may have to wait 10 or 15 years, but one day we’re going to call you and you’re going to get to sit in the front row, and you’re going to get to watch as we kill the one who killed your loved one. And by your watching this, you will be given justice, and you will be given closure, and you will be given healing, and you’re going to feel a lot better when this is done.” And these families, Renny Cushing and all these people—it’s such an illusion and it re-victimizes us because victims’ families wait and their wounds are public. The media has access to anything that happens in the trial along the way and can call up: Well, how do you feel now? You’ve got another hearing in this circuit court or whatever. How could they ever heal?
How could they ever heal? And how illusory. If you want to talk about the illusion of the levees holding up in New Orleans: “Oh yeah, we built levees. Yeah, it can take a category four, category five.” And then 85 percent of our city flooded; the levees didn’t hold. Those promises are illusions and politics enter in.

**Marshall:** And our allocation of resources. So we spend in California $60 million per year more to have a death penalty than we would spend to keep everyone on death row in prison for life without parole. Now, take that $60 million. Think about using that $60 million to actually give something to the victims: to give them counseling, to give them educational assistance when the breadwinner has been killed, to give them housing assistance. That’s something we can actually do to embrace them with love instead of just saying, Join us in hate. Or, if you like better, take that $60 million and prevent a few murders. Put some police on the street instead of fire and bullets.

**Prejean:** Work with at-risk kids. Look at New York. In Louisiana we said, “We thought those New York people were smart, those New York people.” And you look at Pataki—another good Catholic guy—and in ’95 he brings the death penalty back to New York. “We need the death penalty in New York,” he says. “It’s going to deter crime.” I almost wrecked the community car. I heard him on NPR on the radio making his claim to the people of New York. I went, “They are not going to believe it deters murder.” Doesn’t everybody know by now? I mean, roughly the states that do the death penalty the most have double the homicides of the states that don’t. Deter murder? And that’s what he used, and he got the death penalty back in New York. Then nine years and $150 million later, their own state supreme court overturned the statute. It was unconstitutional. Then they had hearings, and the first time they had hearings, the people of New York finally went, What are we doing? $150 million. Think of the at-risk kids, think of the health care for children, think of what we could be doing with that. And I don’t want to divide this into a ___ system; let’s talk about the morality of the death penalty, not this practical stuff like the money. As if talking about resources isn’t a deep part of morality any more than spending $400 billion on the defense budget while 43 million people don’t have health care. The most moral document you can look at is the budget and how you use your resources.

**Abrams:** Having said all these things, why is it that no politician can realistically run for office—any office—on an anti-death penalty platform?

**Marshall:** You’re so wrong on that, Bill.

**Prejean:** I’m so glad to hear that.

**Abrams:** Name one who’s been successful.

**Marshall:** I’ll name one, for the first time in modern history, whose opposition to the death penalty was not a factor, was not mentioned, and that was John Kerry. John Kerry was an abolitionist candidate, and you had a former governor, then president, who was
running again, who had executed more people than any other governor, and yet that was not an issue at all in the election. It was an issue with respect to Governor Bush but not John Kerry. I don’t want to be rosy and say, “Oh yes, abolition is tomorrow morning. Pick up the paper. Get the bulldog edition.”

**Prejean:** Something’s happening.

**Marshall:** It’s not happening overnight. But there’s no question that we have turned the corner. And I think John Kerry’s candidacy is a strong statement.

**Prejean:** They didn’t bring it up. And you know what else I learned? I was in Florida. You know, Jeb Bush. And boy, I mean, Florida. I mean, the states that do 80 percent of the executions are real practitioners of the death penalty. Everybody’s got the same constitution, but the real practitioners are the ten southern states that practiced slavery. No big surprise, huh? We know that, don’t we? And I was in Florida, and they said, “Jeb Bush is not signing these warrants now as he used to. If somebody gives up their appeal, well then, he’ll do it, but there are a number of them he could be signing and he’s not signing.” I figure, what is going on here?

Now, I do take on George Bush in *The Death of Innocents* because I visited the women on death row in Texas and met Karla Fay Tucker and the women there and talked about the execution of Karla Fay Tucker. And then I take him on because Abu Ghraib happened and Alberto Gonzalez was his legal counsel as governor and his torture memo came out about how you could fiddle with the Geneva Convention so you could torture terrorists a little bit and not call it torture. And he was legal counsel to Governor Bush who said, “Oh, I looked carefully at every one of these cases before they were executed; I looked at the ins and outs of it.” And this good, scrappy journalist Berlow used Freedom of Information and got the memos of Alberto Gonzales sitting down with George Bush on the morning of an execution—a 15-minute exercise: check, check, check, check—and 152 executions. And maybe it’s because Jeb Bush has his own eye on the presidency, and notice they didn’t discuss the death penalty at all in the presidential debates. Why didn’t Bush go after John Kerry on the death penalty? Why didn’t he? Maybe they just kind of thought, That doesn’t look too good; you know, killing a lot of people. Because Americans, the people, are beginning to question the death penalty, and I think that mirrors the shift.

**Marshall:** In Illinois, George Ryan was a very unpopular governor, but the single most popular thing he did was to impose the moratorium. Eighty percent of Illinoisans supported that, and even the radical move (most people thought it was radical) to commute 171 sentences—50 percent of Illinoisans supported it. Now, most of them still support the death penalty, but they understood: not this death penalty, not here, and not now. So I think politically, politicians are beginning to realize that they can voice their opposition to the death penalty and the earth is not going to open and swallow them up as they once thought would be the case. Support is really softening.
Prejean: And yet, and especially if they said, We’re going to work to prevent crime and violence at the root. What is the root of violence in our society? What’s the root of crime? You’ve got to dig in the soil of American life where crime and violence happen, and if people begin to do that…. If you’ve ever been to a town meeting where you look at all the problems of what’s going on in the city and the violence, and so forth, nobody at a town meeting ever stands up and says, Well, what we need is more death penalties. Nobody ever says that in a town meeting. They talk about community police, they talk about these at-risk kids, they talk about the kids who drop out, they talk about all the real problems. What if we had politicians who would address the root problems of crime instead of talking about using this political thing? Millard Farmer, have you ever met him?

Marshall: Sure.

Prejean: He’s a character, huh?

Marshall: Just like you.

Prejean: As if he’s [Marshall] not. Just because he’s been to the little yeshiva, yeah? As if you’re not a character? The Jew and the nun together.

But Millard Farmer told me one time—he’s from Georgia…. He was the first one called to take this case of Patrick Sonnier. My daddy was a lawyer. When I got involved with all this, I thought just what you said in the beginning, Larry, that, Well, maybe it’s not a perfect system, but at least if somebody’s up for their life, it’s adequate. We have the best court system in the world. And he said, “Sister Helen, yeah, we’ll help you; we’re going to help you. Send me all the papers, we’re going to help you.” Boy, I didn’t know what “help you” meant. I didn’t know. These lawyers are my heroes, really, because they take these cases and all. And he said, “The death penalty is 98 percent about politicians and it’s 2 percent about criminal justice. Take the politics out of the death penalty and we could do away with the death penalty tomorrow morning at nine o’clock.” And when you think of how few cases really are selected for the death penalty and who does it and why, there wouldn’t even be a blip if tomorrow morning at nine o’clock all the people getting the death penalty instead would get the alternative system, which at this point, at least in our country, is life imprisonment—a life without parole. The only ones who would be scattering for something to do would be the politicians who can’t use that when they run for office and they’ve got their little 30-second TV commercial: “I’m tough on crime. I’m for the death penalty.”

And when you get to the executing states like Louisiana, Georgia, Texas, Florida, there’s a climate—a political climate—for the death penalty. Do you know that our prosecutors have this behind-the-scenes pat-on-the-back award they give to each other called the Louisiana Prick Award? Do you know I said that on the radio and they said, “You can’t say that word.” I said, “You know, ‘prick,’ like hypodermic, lethal injection.” And you know what it is? It’s a plaque, and it shows the Louisiana pelican, the state bird, flying with a hypodermic needle in its talons because it means they have a death penalty. “So
how many do you have?” “I’ve got three.” “How many do you have?” “I’ve got two.”
And when people run for office, they say, “I got three death penalties.” They brag about
it. It’s part of the climate. Climate is a very, very important thing, and here emblazoned
on the Supreme Court: “Equal justice under the law.” They don’t deal with climate.
Climate has everything to do with the way you interpret the Constitution and live out of
it.

Abrams: So how are you going to go about changing all of these things? You’re talking
to this audience now and you’re each doing your respective work, Larry in the courtroom
and you dealing with people directly. But what else can be done?

Prejean: First, I believe the most important thing is to help the American people to
understand about the death penalty. That’s why I was really glad when Susan Sarandon
and Tim Robbins wanted to do the film. The reason behind the film Dead Man Walking
is to get the American people to reflect. And Thurgood Marshall, the first African
American ever to be on the Supreme Court, said, “The American people say they support
the death penalty,” he said, “but that’s not a deep reflection. They don’t know about it.
Educate them about the death penalty and they’ll reject it.” Well, that’s my job. That’s
been my task from the time I came out of that execution chamber. I’m a witness. People
are never going to see this. I’ve got to tell the story.

And the more we educate people, then people themselves will become the voice. I would
love to see young people across this country—any college-age students—begin to start
having dialogues with their politicians. I found out this thing about politicians: they love
to be looked up to by the young. Everybody wants to get along well with other people:
“Yes, I was talking with the young people, you know,” they say. What if the young
people in this country began to write letters to legislators? They could say, When you all
come home for your little recess and all, a couple of us would like to talk to you all about
this death penalty; we’re concerned about this. If we had that going on across this
country…. And Tim Robbins has written a stage play of Dead Man Walking for colleges
and universities to get people reflecting—to bring them close to it. And if the young
people of this country would begin to have that discussion and legislators would start
getting letters, I think that’s one of the ways we would bring this thing down. I think it
would really make a difference.

Abrams: Larry, we’ve got some legislation pending in Congress right now. Is there
anything that we should be writing letters about, in your view?

Marshall: Well, to begin with, we have legislation pending in California—a piece of
legislation that says that pending the results of a commission that’s in place right now to
study the fairness of the application of the death penalty in the criminal justice system,
we ought not to be executing anyone—that it would be fine to wait and see what the
commission says. And if the commission blesses the system, then fine; we say it’s fair,
we can execute if that’s what people want. But while the commission is studying it, we
have a situation where a certain kind of plane has been exploding in the air. You take
that plane off the runways until you figure out what’s wrong. You don’t continue to fly and say, Until we figure out what’s wrong we’ll continue to fly it.

We have three executions in the next three months, and if folks like you voice your views on this case exclusively to the governor, and also, I guess, to the legislature in terms of supporting the moratorium, which would stop the executions, I believe change actually could be had. So that’s at the state level. And we talked about the South as being where the death penalty is administered, but again, there are 648 people on California’s death row; more than one-fifth of the entire country’s death row is right here in California.

Nationally, there are efforts to try to streamline the procedure, as they call it, to allow less process. Now, wait a minute. We have 121 people who have been shown to be innocent and thousands who have been shown to be unfairly convicted and sentenced, and we’re going to streamline the process? We’re going to cut down on the protection in view of that? Well, sure. That’s a way to cut down the revelation of error if you give people no opportunities to expose errors, but if we’re serious about it, streamlining—trying to make it quicker—when it takes on average eight years for a person to be exonerated as it is…? So there’s a voice here and it requires not Sister Helen and not me or partisan advocates, if you will. It requires folks like you, for whom this isn’t the dominant issue in your life, to let folks know. When you come out of the closet and are willing to say at cocktail parties, “You know, I don’t like this; I don’t support it,” when that word starts bubbling out, I believe so dramatically in the force of change. I believe in that Yom Kippur prayer that actually through our actions we can mitigate the severity of the decree.

Prejean: It’s already beginning to happen in practice. You know what the truth is? For 20 years, I’ve been getting on airplanes and coming to things like this to talk to the American people about the death penalty. People are not wedded to this; they just don’t reflect on it very much because it’s not one of the moral issues that hits most people personally. And so we haven’t reflected.

I don’t think the American people are worthy of the death penalty. I mean, think of it for a minute: where else in the criminal justice system do we ever let the crime or the behavior of the criminal determine how we’re going to act or how we’re going to behave when we punish the crime? We imitate the violence with the death penalty. And think if we were consistent with that? So somebody raped somebody? So every Friday night we’ve got the rape squad: “You raped. Now you’re going to feel what it’s like.” Every Friday night: rape squad, here we go. You know why we don’t do that? It’s what would happen to the guards that were on the rape squad. What happens to us when we kill people? We’re sitting in here tonight—students at Stanford and other people who are coming in. What if you’re the guard? Why if you’re the person who has to strap the people down and do the killing? The public’s never going to be anywhere around when we kill these people.

I tell the story in *Dead Man Walking* of one of the guards on death row, Major Coody, who was part of five executions, and he didn’t even strap the person down. His job was just to take a paper sack after they were executed and go to their cells to get their
toothbrushes, their personal objects, to give to their families. And he called me in his office and he said, “I’ve been through this five times. I know all the people on death row. And some people here have done really unbelievably terrible crimes.” But he said, “Boy, when you’re close to it like that, and they’re defenseless—you’ve got them in leg irons, handcuffed, and you bring them in to kill them—I’d come home after these executions and I couldn’t sleep and I couldn’t eat and,” he said, “I’m going to have quit this job.” He’s the only one I met who, because of his conscious, quit.

And when we think of it, you know, when we’re outraged and we’re trying to deal with this issue and we say, “Well, that person deserves to die,” we have to push ourselves and ask ourselves a really honest question: Could I do it? Could I pull the switch? Could I do the injection? Here’s a live human being, they bring him in and strap him down. It’s time to kill him; it’s the law. Could I do it? And if there’s a part of our souls that holds back and says, “Well, I don’t know if I could do it,” and we have to hire somebody else to do it for us and we don’t want to see it, there’s a part of our soul that has not said yes to the death penalty. And that’s what I want to ask you to think about.

And I’ve got to tell you my hope. My hope is the American people. I get on airplanes and give these talks clean across this country, and I have never found an audience—never—who come and they listen and hear the story and they hear the information, who, at the end of it, stand up and say, “Fry ‘em.” They don’t. They line up in long lines to call for a moratorium, and most people, when they come to get their books signed, say, “I didn’t know it was like that. I just never thought about it very much.” That’s the thing: to get us to think and reflect about it. And the deeper we do and the more we know, the quicker we say, Wait a minute; this really isn’t the American way of life—to turn over to government this kind of killing.

**Abrams:** Let’s hear from you, the audience, at this point. We have microphones on each of the aisles and Sister Helen and Larry would very much like to get your questions.

**Question from the Audience:** I completely agree with all that you’ve said, but I wanted to give you a response to the film Dead Man Walking, which was complicated and troubling. I talked to my sister about it a long time. It appeared that the fellow who killed in this horrible way would not have come to any kind of recognition or moral growth or development if he hadn’t been faced, or strapped down. Of course that’s the way it was shot, but it made me think hard thoughts, not about the validity of the death penalty, but in that particular case, what that did or might do to a person’s soul, if you will. Because as you remember in the film, he denies it, he tries to tell some other story. So I guess it’s kind of a film question, but I thought I’d ask it.

**Prejean:** No, it’s a very deep question, and actually, I got to be with Tim Robbins at the Berlin Film Festival where Dead Man Walking was shown. So here you have these journalists from all over the world, and that was a question: “Mr. Robbins, interesting film, makes you think deeply. But, you know, if Matthew Poncelet had gotten a life sentence, chances are he never would have come to that kind of moral development.” He even used the words you used. The journalist said, “He had death, though, so he came to
grips, he took responsibility. So there’s a kind of theology here that in coming to grips with your own death you have time to reflect, and it made of him an honest person where he said, ‘I did it.’ He took responsibility, and if he hadn’t had the death penalty, he never would have come to that.” And he directed the question to Tim. And I remember looking and thinking, Wow, let’s see what Tim’s going to do with this question because that was a good question. And Tim said to him first off: “You have to admit, don’t you, that if he had gotten a life sentence, you really do not know that perhaps he would not have reflected on his life and maybe come to responsibility?” And right away the reporter said, “Yes, you’re right. That’s correct. That could have happened.” And then Tim said to him, “What is it that helped Matthew Poncelet take responsibility for what he did? Was it the threat of death, or was it that for the first time in his life he met unconditional love?” And I want to tell you that I have been with six people who have been executed. The second person in Dead Man Walking … you know, Matthew Poncelet is a composite character in the film because, as Tim explained, you can’t use all these characters; you have to do the film in two hours, so Matthew Poncelet is a composite.

Patrick Sonnier was very remorseful for what happened, but the second person was Robert Lee Willie, who wasn’t remorseful at all. I mean, I had to have these discussions with him like, “Robert, did you ever think of what you’ve done to the victim’s family—the suffering they have?” I was appalled at his inability to feel with the victim’s family. And finally, in talking with him, when he said, “Well, look, I hope my death gives them some peace; I really do,” I seized on that and I said, “Those would be great words.” I didn’t know what he was going to do. He could have cursed people out. And here was the thing: Robert Lee Willie had been an outlaw; his identity was to be an outlaw. He had the swastika on his arm. He was tough. He gave interviews; he admired Hitler. “Electric chair don’t bother me, man.” He walked to the electric chair with this little swagger, this little bounce in his step, and when they strapped him to the chair, he winked at me. Death toughened him: “I’m going to out-tough death.” And to feel remorse means you look at the pain you’ve caused. You leave yourself completely, you enter into the pain of another and say you’re sorry. Here’s the death penalty toughening him. He’s going to do one last act because he’s going to die like an outlaw with these boots on, as he said, and it didn’t help him feel remorse at all. He said, “Hell, sister, they’re trying to kill me.” So they’re coming after him. He’s in his little tough mode, so the death penalty doesn’t necessarily cause remorse at all. It can toughen people up even more.

**Marshall:** Just one other note on that: if you walk through San Quentin today, every one of you, I promise what you would be most struck by is the extent to which it’s full of people who are mentally ill or mentally retarded or in many cases are deranged. That’s the dominant population of death row. I don’t know what our chances are of a death sentence really making those people come to terms with their souls and their realities. That’s another example. We’re not talking about the worst of the worst; we’re talking about the most easily marginalized.
**Question from the Audience:** Does it change the moral calculus if we’re talking about a sociopath who admits that he’s a murderer and says he’s going to do it again—he’s going to kill people in prison and has absolutely no remorse? Do you think it would change the attitude of the public if we had really gory public executions instead of these little injections and electric chairs, and so on?

**Marshall:** With respect to the question of a person who is a sociopath and is bent on murdering in prison, I think once upon a time that was actually a compelling argument. Technology has completely made that argument obsolete because we have prisons right now that are completely automated in which the person, if indeed he is that risky, has no human contact. Now I don’t support that except in the most extreme situations, but people are fed automatically, they shower automatically, a door opens automatically where they go into a private outdoor cage. There is no longer any argument, given technology, for killing people to keep them from killing again. We can do it and we can do it cheaper without the death penalty.

**Prejean:** I do want to say one thing about the first job of a prison. It is classification of its prisoners, and a lot of sincere people say, “For the safety even of people in prison, inmates or the guards, a prison’s first job is to classify prisoners so you have a prison within the prison, automated or not, for people who kill, for sociopaths.” We’re not too automated in Louisiana, but we definitely have locked-down sections of the prisons.

Gory executions? Listen to this. This will shock you. Bet you don’t know this. I just found this out myself. Not only do we not see executions, but the witnesses don’t really see the executions, either. The second drug that they inject for the death penalty … I mean, how clean and antiseptic can you get? A seventh-grade kid was saying, “Hey Sister, how come they put that alcohol on a person before they inject them?” This is how clean death is. We’re not really killing them, you understand. And you know who came up with lethal injection? Ronald Reagan: “Well, you know, the veterinarians put the horses down; maybe we could do that with criminals.” He came up with the lethal injection idea.

The reason Tim Robbins changed from the electric chair with people I’ve been with to lethal injections was, he said, because more and more states are turning to lethal injection, so they’re going to look at the movie and say, “Well, we’re not barbarians like Louisiana. We use lethal injection in California. We’re humane.” The second drug that they inject—one is the sleeping thing, which is short-term and questionable. The second one is potassium bromide, which freezes the person’s muscles completely. It paralyzes them. They can’t open their eyes, they can’t move their lips, they can’t lift a finger. And they’ve begun to have testimonies. Veterinarians don’t use that when they euthanize animals now because you can’t see when the animal is in distress. This woman testified about having eye surgery. She was given that injection and she couldn’t tell them that she was awake and conscious as they were operating on her eye; she couldn’t cry out. She couldn’t move at all to tell them, I’m in pain; I feel everything you’re doing. Why do they inject that second drug? It’s solely to keep the person paralyzed so that when they inject the third drug that throws them into cardiac arrest, witnesses don’t see them.
writhing or twisting on the gurney. They see a perfectly still person who closes his eyes and just goes to sleep. So that’s even the witnesses.

I personally believe if we brought the death penalty to people, that the closer we get to something and the more we see what we actually do, the quicker we shut the thing down. I do believe that. I believe its removal from us and people not seeing is what helps to keep it going, and I think that’s by design. And they’re never going to let you or let the public see things. Just imagine the exposure. The Superdome was bad enough, where the whole world saw how we treated our poor. The first check to come in to help was from Sri Lanka: “Please help your people.” That was embarrassing. And if we showed executions on TV or whatever, people would go, “Wow, this is the United States of America.” People sit down at their dining room table: “Oh, executing a person in California.” And one of the people you’re going to execute in California has diabetes and is in a wheelchair, a Native American guy, who is how old, and they say, “Oh wow, they’re getting the guy out of the wheelchair to execute that guy. Wow, this is the United States of America?” It would bring global shame on us. I think we want to keep it secret.

**Question from the Audience:**
Why do you think it is so easy for us, and for politicians in particular, to separate the concern for life I think we mistakenly associate with retribution and the concern for life I think we would correctly associate with a proper allocation of resources to help those who are victimized by crime or commit crime because they have been victimized?

**Marshall:** At some level it’s the difference between a short-term and a long-term solution. The real solutions here are long-term; they go to the core of the problems. Why do kids join gangs? We know the answer to that; it’s not a hard one. But instead of dealing with those core foundational, structural issues of American cities, we instead simply put …

**Prejean:** 2.1 million.

**Marshall:** …so many more, pro rata, than virtually any other country in the whole world. And the answer is what looks at the short-term: Do the crime, do the time. And we never want to either invest in the long-term or, fundamentally, accept our responsibility. I actually think at a psychological level that’s part of the death penalty. You see, almost all of these crimes, not that the particular person would do it, but the fact that these crimes would occur, are at some level the inevitable consequences of a certain social structure—of poverty, of education, of a breakdown in the support system—so we know these are going to happen. So what do we do? Well, we can either reach really deep in our pockets and begin to invest seriously in a structure that really mitigated that or minimized it the way most countries do that don’t have our kind of murder rates, or we could say, Oh, that’s horrible! We’ll show how horrible that is because we’re going to put that person to death, and sort of rinse our hands of responsibility. I think it’s short-term versus long-term—that acceptance of personal responsibility and collective responsibility. There was a *New Yorker* cartoon where a jury comes back and says, “We,
the jury, find the entire society responsible, but only he is guilty.” And the bottom line is we are all responsible, and I actually believe we are all guilty and we need to confront that and sacrifice for it if we believe that.

**Prejean:** And I think the main reason is a disconnect. It’s the same reason that you can have an evacuation plan for a city and not include 150,000 people who don’t have cars. It’s the same reason that you can have the gangs in inner cities and white flight out of the cities so that there are parts of America we never see. So it’s easy then to say, “Throw these people away; get rid of those people.” We have gated communities. On one hand, we have the real gated community—the 2.1 million people. Every year, the equivalent of the population of Seattle is released from prisons in the United States. But who goes to prison? Who sees people in prison? They’re removed from us. The other gated communities on the other end are the wealthy people who have to gate themselves to protect themselves from those people who are going to rob us and kill us. And the more we look at TV, the more afraid we are of each other. We are a culture very much afraid, and it feeds our fears and we have disconnects. So we say, “Yeah, we have to do that.” A politician comes along and says, “We’ve got to show we’re tough on crime.” It’s our surface souls that make us say that; it’s not our deepest selves.

**Question from the Audience:** I’m actually from the great executing state of Louisiana. Debby Morris, who is featured in your book *Dead Man Walking*, is a friend of yours now and a family friend of mine, actually. I’m from Madisonville, Louisiana. At the age of 16, she was brutally raped, her boyfriend Mark was left for dead, and she suffered this horrible thing. And I know that after the popularity of your book, she called you, angry actually, about what you had said. I think she felt somewhat neglected by your book and didn’t really side with you at that time. However, after that phone call, you managed to forge a friendship and she has now managed to forgive her captors and she also is no longer a supporter of the death penalty. I’m really curious as to what you said on that phone call because she’s a Louisiana girl, too. She’s been for the death penalty for as long as she could think—the same as I have. My other two-part question is…

**Prejean:** How long have you been thinking?

**Question from the Audience (continued):** For almost 21 years now. The other quick part of the question: the Catholic Church as well as every major Protestant religion actually take a stance against the death penalty. However, in spite of that, 80 percent of Christians are still saying, “We’re for the death penalty.” And that’s actually more than the general population. As a member of the Christian community, how do you reconcile with that? It’s a tough thing to be part of a community where the church is telling them not to, but the people generally still are for the death penalty.

**Prejean:** First, let me take the Catholic Church. In this book is a section where I finally got to have a dialogue with Pope John Paul II. I had been wanting to have a conversation with the Pope for a while about the death penalty and the dialogue that went on and goes on in the Catholic Church and with the hierarchy. And the Catholic Church has developed its teaching, the principle of opposition, and there are stories in the book *The
Death of Innocents. You know, once the Pope changes, the bishops have to line up behind the Pope, and now the bishops are actually beginning to teach people who are Catholic. Support among Catholics for the death penalty has dropped below 50 percent, and the more people go to church and the more they go to Catholic educational institutions, the quicker they don’t support the death penalty. So that doesn’t hold true anymore for Catholics. I mean, 20 years; this discussion has been going on a long time. Dialogue is the way we get anything changed. I want to say that first about Catholics.

Christian churches, the leaders for years, have been issuing these statements against the death penalty, and the people in the pews were saying, “Fry ‘em.” I mean, there was some very discouraging news for a while that the more people went to church, the more they believed in the death penalty. I do not find that encouraging for religion. But there are some shifts here that are beginning to happen—that people are going to a deeper level of religion the way Larry was saying.

Debby Morris is amazing. She didn’t change because she had one conversation with me. She is an amazing young woman who, when she was kidnapped by Robert Lee Willie and Joe Vacarro and was in a car 36 hours, the whole time she was with them she talked to them. And in the end, they didn’t kill her. They raped her, they did all this stuff, but she would talk to them. She kept engaging them personally and they brought her home at the end of it all because they believed that she was like their girlfriend and she wouldn’t turn them in to the police. The FBI was totally amazed when they heard Robert Lee Willie and Joe Vacarro, who had brutally killed this other person, here had Debby Morris with them all this time. It was because she related to them personally and she had more spunk and more courage.

And so when she and I had a conversation, she told me one of the most amazing stories I had ever heard in my life of a young woman with her captors. You talk about a story. She’s written a book called Forgive the Dead Man Walking.

What happened for Debby was that she was a teacher in special education and she was looking at kids with special problems and she began to think of Robert Lee Willie—that he must have been a kid like this with special problems. And on the night he was executed, she didn’t feel joy; she didn’t feel relief. But she confessed to me, “Sister, I have to tell you that for the first time I did feel safe. But I really didn’t want him to be killed.” It’s about her and it’s an amazing story if you ever get it.

And then they did a Frontline thing with Debby and me where she tells her story. She is truly amazing. You ought to get her to come speak and let her tell her story to you because she is a very strong woman. And after it was over, her real crisis began because some of the guys in the high school were saying, “We’re not dating you because you’re not a virgin.” I mean, honestly, it makes you want to throw up when you think of this kind of stuff. Then she went to alcohol for a while—all the post-traumatic stress when you’ve been through something like that. But she’s truly an amazing person. I’m glad you brought her up. I’m glad you’re from Madisonville, Louisiana. Are these Californians treating you right?
Question from the Audience (continued): Yeah, they’re all right. I also thought I’d report that after reading your book and Debby’s book, and I’ve been in Mr. Abrams’ class and I’ve been reflecting, and I’m actually in opposition to the death penalty now. So if I can be converted, then I figure anybody can with a little education. [Applause]

Question from the Audience: I’m afraid you haven’t converted me. What do you do with the Richard Allen Davises of the world who would steal a little girl out of her bedroom and rape and murder her? Do you think he’s going to be a nice guy when you put him in with the prison population? The man is disgusting. Some crimes I think are unforgivable and some souls are unsalvageable. What do you do with those people? He’s certainly not the only one, but he is a prime example. I’m not saying that everyone who is on death row deserves to be executed, but yes, there are the worst of the worst and they probably don’t deserve to live amongst us in any form or fashion. I agree with your friend that you feel a lot safer when those people aren’t in our world anymore.

Prejean: “In our world.” Do you mean they’re in prison or they “aren’t in our world” because the government kills them?

Question from the Audience (continued): Because they’re dead. And my other question: of the 300 or so Californians who are on death row, how many have actually been executed in the last ten years?


Prejean: So we’re not really doing it, are we?

Question from the Audience (continued): No. We really aren’t.

Prejean: So what can we do?

Question from the Audience (continued): Well, I agree that we need to step up the process.

Prejean: You and Rehnquist. That’s what he thought, too.

Marshall: If I can just make two points. Nobody is excusing the acts of that person. Nobody is forgiving anything. The question is, what is the marginal benefit of killing that person versus housing that person in solitary confinement where there is zero risk of anyone ever getting hurt? What is the marginal advantage? Now, if you say you do feel some slight marginal advantage, that you feel some visceral, not rational, sense of safety, then you have to ask yourself, is that marginal sense worth keeping a system intact that will—not may, but will—kill innocent people, that will kill people in a racist manner, that will kill people because they’re poor and didn’t have good lawyers, that will kill people based on arbitrary geographic disparities? That’s the choice you have to make. Nothing’s ever black-and-white in life; there are marginal differences.
Are we better off having a system that gives you that marginal benefit (at a higher cost, by the way) of killing him versus keeping him in solitary but entails all of that risk, the inevitability of our killing innocent people and people who kill only white folks and people who are Latino? That’s what the choice ends up being, and I would ask you, I suppose, given that calculus … given the fact that no human institution has been able to solve that problem and do this fairly, is it really the position that yes, nonetheless, we kill, knowing that some innocent and some others who shouldn’t be there are going to get caught up?

**Question from the Audience (continued):** Out of 11 people in a decade, how wrong can we be?

**Marshall:** Eleven times wrong, if those people were mentally ill. Look, the U.S. Supreme Court just held that it’s unconstitutional to kill the mentally retarded—unconstitutional. Well, we killed a whole lot of them. You know what the Supreme Court did? It went back to each of those graves and resurrected the dead because it said it was unconstitutional. Sorry, after all. The Supreme Court now says it’s unconstitutional to kill people for crimes they committed as juveniles, but that was done. I mean, the bottom line is, yes, I know the feeling. I shre the feeling. I’ve sat with victims and I’ve cried with victims. And if we could have a system that accomplished that with zero risk, I guess I would still be opposed to it but I would understand the risk-benefit calculus better. But we can’t. And if it was your child who got caught up in that and was innocent or undeserving of being put to death, would you really say, “Yeah, I know that even though he doesn’t deserve it, we should kill him for the greater good of being able to kill those few who I really want to kill?” I don’t think you would say that about your child.

**Question from the Audience (continued):** But if it were my child who was the victim, I would want to kill that person personally.

**Marshall:** Absolutely. But again, the question is which risk is more tolerable to you? Is it the risk that your child will be the victim but the killer would get life and not death, or the risk that your child would be the wrongly convicted defendant and were to get killed for something he didn’t do? I believe if you think that question through, that sort of Rawlsian veil of ignorance question, you come out saying, “Boy, maybe I wouldn’t be happy if I was the victim’s family and the person didn’t get killed, but I would be devastated if I was the defendant’s family and that person did get killed.” And if these are all our children, then that’s the way we have to make the calculus.

**Prejean:** Thanks for your honesty.

**Question from the Audience:** Professor Marshall, you talked about the difficulty in killing or executing one of your children when it’s just as easy to lock them away forever in the interest of protecting your other children. Given that that assumes the other option of life in prison without parole and also that we aren’t pure enough and aren’t perfect
enough to play God and make the decision to kill people, how do we have the purity and perfection to play God and put someone in prison without parole?

**Marshall:** It’s a very good question and it’s a question that even gets broader. How do we have the right to put anyone in prison? The answer is, when we put people in prison, we make errors just like when we kill people. We convict and imprison innocent people, we do it based on racist and arbitrary and poverty-based factors, but we have no choice there because the option is anarchy. We can’t have a system where we say, “Look, I know you’re committing rampant murders, but we don’t trust ourselves to imprison you so we’re going to let you stay out on the street.” So we have to accept the fact that yes, it’s imperfect; we should work to perfect it, but in the meantime, yes, we have to have prisons. That’s not the option when it comes to death. Death is different. We could, like virtually every one of our allies around the world, say, “You know what? We could survive and it wouldn’t be anarchy if we put people in prison and didn’t kill them.” So even though you’re very right to say that life in prison or ten years in prison is a very severe penalty, we have to engage in that, notwithstanding our fallibility. We don’t have to engage in death given our fallibility.

**Prejean:** And if you make a mistake and somebody is in prison for life, then there’s a possibility of correcting it. You kill them and you can’t correct it.

Before we take the next question, can I do one commercial? I just want to say that the books *Dead Man Walking* and *The Death of Innocents* are going to be on sale there. And the sales help the moratorium campaign to help educate the people of the United States. And I just want to talk to you about the little deal. If you get *Dead Man Walking* by itself, it’s $15; if you get *The Death of Innocents*, it’s $25. If you get both of the books, they’re $30. And we take cash, we take checks, we take Visa cards. And I’ll be glad to sign your name and sign the books for you as long as you want to be here tonight. That’s my little commercial. Thank you very much.

**Question from the Audience:** I just wanted to tell you that I’ve seen such a hateful face of Catholicism. I went to Catholic school my whole life.

**Prejean:** The nuns beat you?

**Question from the Audience (continued):** I read your book in my Catholic morality class and for the past years I’ve hated Catholicism so much because I’ve been hurt by it so much. I got kicked out of that Catholic school for social reasons against the Catholic Church, but you can hear later.

**Prejean:** So you have that in common with Susan Sarandon, who was put out of her religion class for “an overabundance of original sin.” She had to stand in the hall. You’re not alone. [Laughter]

**Question from the Audience:** So it turned me into an agnostic. It just made me hate Catholicism. And seeing you up here today and reading your books made me really think
that love can triumph over that hate and I finally get to see a loving face of that religion, which helps so much. I’m not going to go back to church…

Prejean: There are a lot of ways.

Question from the Audience (continued): …but it’s refreshing to finally see someone who can put love before hate and forgiveness before persecution. I promise with my ritzy $45,000 education that I’m getting here, I will go do something that really helps you. [Applause]

Question from the Audience: Sister Prejean, I’m from New Orleans. In talking to people about the death penalty and trying to convince them that it’s not the right thing, one of the things that I’ve often heard is, “I’m for the death penalty not because I really want them to kill anyone but because I believe that if someone gets the death penalty, they’ll never get out and that in fact life without parole doesn’t really exist.” So I’m wondering….

Prejean: It’s very real, what you’re saying. I’ve found in my 20 years of talking to the American public about this that the main thing is safety more than vengeance, because they say if you don’t, “I read in Parade magazine or Reader’s Digest how this person got out and they killed again.” And they know that one instance. And when people are educated on this—when they hear that in their state it’s either life without parole or mandatory 40 or 50 years before a person can even be considered for parole and they know that they are safe—then for most people that’s enough right there. But they do need to be educated about that. They don’t know that. They think that if a person doesn’t get the death penalty, they might be in for seven years and then they’re going to be out again and then they’re going to kill again. So for people to know that they can be safe is really an important thing.

Marshall: It’s actually fascinating. In the state of Texas, for the longest time they did not have life without parole as a sentencing option. So prosecutors would fight against any measure to bring life without parole into the system because they knew when juries were given that alternative, it becomes an actually very attractive alternative. And only last year did Texas finally come aboard and create a life without parole alternative as a mandatory actual sentence if one is not sentenced to death.

Question from the Audience: I’d like to address this question to Mr. Marshall. We have about 648 people on death row, and we have about 80 or 90 percent of people who are against the death penalty. We’re also a state that is loaded with propositions every election. Why hasn’t anybody made a proposition for the ballot to abolish the death penalty?

Marshall: I wish that the premise of 80 to 90 percent of people opposing the death penalty were what the polls are showing. I don’t think they are. If the polls showed that, you would have a referendum on November 8. What the polls show, actually, is that a majority continue to support the death penalty when asked in the abstract, but,
interestingly, going back to the earlier question, when people are asked, Do you support the death penalty when the alternative is life without parole, then actually the number drops under 50 percent. And it seems to me that that has to be the relevant question. It’s not, Do you support the death penalty when the option is the person going free in three days? Well, 100 percent of us would support the death penalty. The reality is that the option is life without parole. I think—I hope—we are getting to a point where we will be ready to go to the legislature to go on the referendum ballot. I don’t think we’re there yet. I think we need Sister Helen to be speaking to a whole lot more audiences here in California to educate them.

**Prejean:** It’s speaking to a lot more audiences here, and young people and others writing to their legislators.

**Marshall:** But we will get there.

**Question from the Audience:** This question is more for Sister Prejean. Could you talk a little bit more about your experience with the victims’ families throughout the course of the time the person is on death row until the execution? Have their views changed? For example, in your book *The Death of Innocents*, in the Dobie Williams case, you said when you tried to talk with the victim’s daughter, she said, “No, we don’t need any help.” But have you done follow-up with her after his execution on what her and her family’s thoughts were?

**Prejean:** Well, Dobie is the first story in *The Death of Innocents*. He was an African American male with an IQ of 65, and there are so many questionable things about the death of this poor woman, Sonja Knippers, who was stabbed to death in her bathroom. The only person on the scene was the husband, who said that his wife’s dying words were, “A black man is killing me; a black man is killing me.” And then when he carried her out from the bathroom and put her on the couch, her dying words were not, “Tell the children I love them; I love you,” but “Out the bathroom window.” And then, when you look at the scenario of the crime presented over against the evidence, this may be one of the wildest stories you’ll ever hear. Because the bathroom window is as big as a microwave oven, but they took the picture of it close up so it looks huge. And the scenario of the crime is so outrageous of what Dobie supposedly did. Blood all over the bathroom, yet he didn’t have a drop of blood on him.

So I don’t think I will ever have a conversation with the family now because the book has come out and I showed all these things—so many things that point to their father. I mean, how do you get to the end of that? We considered getting a detective to go and actually … because the word was that he had begun to brag that he got away with murder. But the more I thought about it and the more I talked to Dobie’s family, it’s just better probably to let it be because look what the family would go through. Suppose they did prove that their own father killed their mother. What would that do? Since Dobie’s mama is not pressing for that, we’re not going to.
So I have accompanied these six people to execution and then with all of them except for Lloyd LeBlanc, whose son David was killed, I always approached the victims’ families. I always say, “I’m here for you if I can help.” They almost always reject it. I mean, it’s so hard not to be on a see-saw because here the state has given us the death penalty; that’s the way we honor our child. Here’s this nun; she’s the spiritual adviser to the one who killed our loved ones. We don’t want to have anything to do with her. The victims’ families I have been able to accompany and help the most have been cases where I’m not directly involved with being the spiritual adviser of the one who killed their loved ones.

**Gonnerman:** If possible, could everyone standing behind the mikes please state your questions as a group, and we’ll have final remarks.

**Question from the Audience:** My question is, what would you suggest being done for the person sentenced to life with no possibility of parole who sees that as not being a worthy life and would very much choose to exit the world rather than live that sort of hopeless life that he sees ahead of him?

**Question from the Audience:** Sister Helen, at the end of your dialogue when you talked about one of the guards who, after five executions, said, “I can’t work here anymore; I can’t do this,” tying that in with the sterilization factor of the death penalty now, do you suppose if you went back to a very up-close system of execution that you would start losing people as guards—that you would start losing people who would be willing to be the executioner, so to speak?

**Question from the Audience:** I’m not personally for the death penalty, but a lot of people I know are, and one of their main arguments is, what if the convict on death row is miserable? What if they would rather die than stay there? Is that OK? Because this whole conversation is about what convicts and the victims want and the morals of it.

**Question from the Audience:** You keep talking about the need to facilitate discussion and get the facts out and through doing that people will see a lot of the problems there are with this and talk about hopefully eventually moving toward a moratorium. But my question is whether a moratorium is enough. This is all very exciting to me. I’m in Professor Abrams’ class. Just learning about all the corruption within the judicial system … we talk about forced confessions, fabricated evidence, politically motivated prosecutors and district attorneys and politicians with these high-profile crimes. Do you see this just as a starting point? I know saving innocent people from being murdered by the government has to be the priority, but where can you go from there, because life without parole is still a serious sentence?

**Question from the Audience:** Do you believe that the reason this society and government is not willing to invest in the people equally along class lines is a governmental, cultural, or individual problem? Given the current political climate, is it reasonable to believe that the current system will ever address the root of the problem?

**Prejean:** You’ve been to the yeshiva. [Laughter]
**Marshall:** I’ll address a couple of the questions and then you’ll hopefully address a couple, Sister Helen.

With respect to the question about this being only part of the larger problem, that’s absolutely true. But ultimately, what we saw with the use of innocence within the death penalty and then the use of the death penalty within the criminal justice system is that the hardest nut to crack is the human skull. You need to find a way to get inside people’s minds so that they’re willing to explore these questions. Innocence proved to be a great way to do that. For people who are very closed-minded about the death penalty, innocence was such a sharp issue. When we showed them 121 people nationally walking off of death row, they said, Boy, I’d better start thinking about this. And once you’re inside their heads, then you can sow seeds about all the other issues—about arbitrariness, about discrimination, about poverty, and the like.

The same is true with the criminal justice system. The death penalty attracts disproportionate attention to what it deserves, in my view, given the numbers that are involved compared to the numbers of people in prison, but it happens to be the issue that gives you that piercing opportunity to get people’s attention. If you stop at the death penalty, and God help us if you stop at innocence, you’ve completely ruined the opportunity you had to really begin to sow seeds of education about the greater issues.

With respect to the question of whether people would actually prefer death to life, I see that. When we asked the governor to commute 171 sentences, 20 people wrote to the governor and said, “Don’t commute our sentences. We like it where we are; we like the conditions on death row better than we would like them in life imprisonment, we like the attention that our cases get when we have a death sentence versus what we would get if we were in for life.” And the answer is, if and when we succeed or even before we succeed in getting folks to recognize that we don’t need death, we can’t walk away from the questions of the conditions and the circumstances that put people in prison for life, so it’s sort of the same answer. These people may want to die, but again, our position to the governor was, They want to die? I understand a lot of people in life want to die, but that doesn’t mean the state kills them. And if the system isn’t perfect; if the system isn’t trustworthy, then we ought not to be killing those anymore than we ought to be killing anyone else who comes in and says, “You know what? I’d prefer to die.” And the reality—and I don’t mean to be too gruesome—but anybody on death row who wants to die or anybody in prison for life who wants to die: it’s simple. You want to get yourself killed in prison? It is simple if you want to do it, either by your own hand or by the hand of another inmate. We have all these clients who go to sentencing after convictions say, “I’d prefer to die than to be in prison for life,” and you know what? Almost to a person, they ultimately say, “No, that’s not where I am, actually. Fight for my life now.” Now, it’s often too late because they missed their opportunity in sentencing to put on the kind of evidence that would save their lives, but almost to a person, they convert sometime before the end and realize that even this life in prison is better than what the options are.
Prejean: I don’t know how much I’m going to actually address those questions because they’re complex. What I’ve seen is that the death penalty is really a paradigm for life. If you understand the death penalty, I think you understand a lot of things about our society. And that is that when we don’t have a garment or a fabric of justice for society and we emphasize law and order, or we use coercion, imprisonment, and violence to hold things in place, which the death penalty does, and then you look and see how other countries of the world are reacting to us….

The weekend before Thanksgiving, I always go down to the School of the Americas in Georgia where we conducted a school for assassins to train people in Latin America how to torture people and how to kill innocent compasinos in Latin America. That is not disconnected from death row in California, because when you posit that the only way you can hold things in place for the way of life that we have come to love in the United States—6 percent of the world’s population that consumes over 48 percent of the world’s resources—to hold that in place is going to take force: military force, the death penalty, the use of violence.

There are a lot of ways to come under the death penalty, and there are people right now in Texas—poor people…. I was just with a doctor and I didn’t know this: if you don’t have health care in Texas, you can’t get dialysis. The only way to get dialysis is when the poisons in your blood build up to such an extent that they bring you to the emergency room, they do the blood test, they give you dialysis, they send you home, but you don’t have any other way of getting dialysis. People living in poverty in the United States who don’t have health care die, and their children die.

I always remember there was graffiti on a wall in Northern Ireland that said, “Is there life before death?” When we pick up the death penalty and we start looking at our society, it brings us to a much deeper level, and the death penalty embodies all the wounds of our society. Racism is in it along with the way we treat the poor and our penchant for trying to solve social problems by using violence.

And I say there’s a better way for America. We don’t deserve this. Everybody sitting in here tonight has to recognize that we are people of privilege. You don’t come to Stanford University if you are not a person of privilege, and you don’t teach at Stanford University if you’re not a person of privilege. There are some of us to whom resources have been given; I put myself in that number as well. But when we wake up and we begin to cross boundaries, when we care about America for all the people of America, the other America that’s never seen, we begin then to have a passion for justice.

I just saw Martin Luther King, Jr.’s papers. Stanford actually houses the papers of Martin Luther King—the history, the books. It was as if I was at a shrine. I’m fueled for the next six months to fight for justice because I came into the presence of Martin Luther King. And he said, “An injustice for any people anywhere is an injustice for all of us everywhere,” and that we have to have that kind of identity for all of America and it’s not enough for us to have the resources and the privilege, but we have to get there, especially the young people sitting in here tonight. Never underestimate the difference one person
can make when you catch on fire. “Oh, the problems are so big and I’m so young. I don’t know how to talk in front of a group.” We take hold of the rope and we begin to act for justice and the path is made by walking.

I want to end with this word of encouragement. You can pick up the rope anywhere, starting with children, tutoring children, starting with the elderly, it doesn’t matter, and follow the rope into that other America that’s unseen where people are suffering and injustice is going on right now, and you can make a difference.

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Sister Helen Prejean
Since the success of her first book, *Dead Man Walking* (1993), Sister Helen Prejean has worked tirelessly to provoke discussion about the death penalty. In a new book, *The Death of Innocents: An Eyewitness Account of Wrongful Executions*, Sister Helen tells the story of her ministry to possibly innocent human beings who die at the hands of the state and exposes the workings of America’s “machinery of death.”

Lawrence C. Marshall
A graduate of Northwestern Law School, Larry Marshall co-founded the Center on Wrongful Convictions, which pioneered the investigation of serious miscarriages of justice and was a driving force behind Governor George H. Ryan's decision to suspend executions in Illinois. He is now Professor of Law and the David and Stephanie Mills Director of Clinical Education at Stanford Law School.

William F. Abrams (moderator)
Educated at Stanford and the University of Santa Clara Law School, Bill Abrams teaches courses on children's legal issues and the death penalty in Stanford's program in Human Biology. A partner in the law firm, Pillsbury Winthrop Shaw Pittman, he is currently working to overturn the death sentence and conviction of Jimmy Davis, a prisoner on Alabama's death row since 1993, and Melvin Davis, who had been on death row in Alabama since 1998.

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