

Death-Row Watch

Even The Waiting Takes Its Toll Among Condemned

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The first thing you notice is the noise.

Televisions and radios blaring, doors clanging, keys and chains rattling, men mumbling and hollering.

The din is incredible. You wonder how anyone could maintain sanity in this place. Much less caged in a 5-by-12-foot cell.

You've never seen a prison until you visit one like San Quentin. And you don't really know San Quentin until you see Death Row.

"Before you go in," the information officer is saying outside the prison walls, "I have to tell you that we don't recognize hostages."

You go through steel door upon steel door, into this veritable dungeon of a place, where men are dwarfed by huge stone walls painted the color of baby's flesh and topped by rusted rolls of barbed wire.

Through a tall, domed rotunda, up in a tiny elevator to the floor where the men condemned to die are housed.

Their pictures are on a wall beside the elevator. There were 64 until last Sunday, when 30-year-old Samuel Jones was stabbed to death in the shower. On Monday a new man came in, and there were again 64.

Samuel Jones was sent to Death Row last May, after he was convicted of the 1975 bludgeon-shooting death of Raymond Meras in Ontario, San Bernardino County. Meras was killed, the prosecutor contended, for the \$300 he was carrying from his paycheck as a drug counselor for the City of Ontario.

Killing somebody for robbery is a crime punishable by death in California — one of several "special circumstances" included in the 1974 state death penalty law now being pondered by the California Supreme Court, which in 1972 outlawed capital punishment under an earlier law.

The U.S. Supreme Court ruled last July that the death penalty is constitutional in certain states under certain conditions. That ruling was reaffirmed this month when the court refused to re-hear the issue.

California was not among the states whose cases were argued before the nation's highest court, but the state attorney general's office has said the California law is "a hybrid" of the Texas, Florida and Georgia statutes

In the Grade B movies all the antiheroes go to the death house stoically. In reality, Oakland robber-murderer Robert Pierce cut his throat with a piece of mirror minutes before he was to enter San Quentin's gas chamber. He was dragged, blood flowing from his throat, into the chamber and strapped into Chair B, screaming in protest. While the State Supreme Court considers the validity of California's new death penalty law, 64 men are left to ponder how they might cope with that ultimate reality.

which were upheld. Civil liberties attorneys disagree.

While Californians wrestle with the issue of capital punishment, in Georgia 27-year-old Leon Troy Gregg may by year's end become the first man executed in the U.S. in nearly a decade. Gregg was the test case in the Georgia statute upheld by the U.S. Supreme Court.

In California, Death Row is filling up with prisoners. The Row has a capacity of 66; it has reached 64 (plus two women housed at the California Institution for Women in Frontera) in two years.

There hadn't been a killing on The Row since it was reactivated in 1974, but things get tense with all those people under sentence of death locked up in the 5-by-12-foot cells.

Samuel Jones was stabbed to death with a prison "shank" made out of a piece of steel shelving from somebody's Death Row cell. Two suspects are being questioned.

Five days before he died, Samuel Jones was being photographed while a reporter interviewed him through the bars of his cell.

He was wearing a red sweater, and he wanted to know if his picture would be in color. And he didn't want the cell bars to show.

"Please," he said, "no bars. I don't want no bars on either side."

There were packages of Marlboros and a television and a radio in his cell, a Bicentennial calendar and plastic bags of popcorn and potato chips.

"I like to stay filled up," he said.

He displayed a list of people who wrote to him, a family photograph album, and a picture of a special woman friend, while the reporter, crouched on the floor, interviewed him.

How did he spend his time?

"In misery," he said, "constantly thinking about the court decisions."

Samuel Jones won't have to worry about the courts anymore.

Prison Chaplain Burt Russell says a

lot of men at San Quentin have been "opening to Christianity" lately, and many of them are on Death Row.

"Maybe we're approaching the last day," explains the Baptist minister, and he isn't talking about the gas chamber. "The Bible teaches that the spirit of God goes out just before the end . . .

"Why, we've had over 40 baptisms since Easter!"

Jay Love, who found God at another prison seven years ago, is 41 and looks 65. He has spent the better part of his life in prison, having served terms for Army desertion, robbery, grand theft, parole violations.

In 1975, he was convicted in San Diego of the kidnap-robbery of an elderly San Diego couple. Both were shot; the wife died, but the husband lived to testify in court.

A frail, ashen little man with a soft

voice, Jay Love is seriously ill with emphysema. Officials say he will probably die in prison — if the gas chamber doesn't get him first.

"My only concern now is to help everyone who is here," Love says. "I write. I do art work. I'm into Christianity, and I've been teaching the other guys.

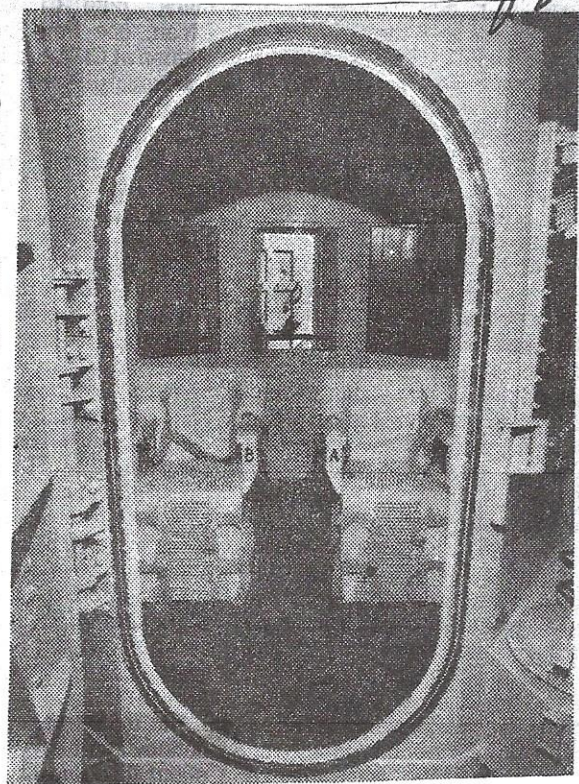
"I don't care what happens to me. I'm at peace with myself. I'm at peace with my Maker."

He is a favorite among the staff on The Row, who often take an almost solicitous, protective attitude toward their condemned charges. Firm, but protective.

When executions were performed in the past, Death Row staff members were not required to participate. Even prison employes who support capital punishment say they would have trouble taking a man they had grown to know downstairs to the little steel chamber near the main gate.

Is The Door Open Again?

Twin chairs, last used in 1967, are located in the turquoise blue gas chamber. The 'B' chair is used for single executions and is closest to stethoscope that determines death has occurred.



"We have an excellent relationship with the men here," says prison counselor Ron Kraemer, who spends part of each week with men on The Row. "We know they're all murderers and that some are particularly brutal, but — I know it sounds like a cliché — we deal with these guys like they're human beings. . . ."

"I don't think any of us have gotten down to the nitty-gritty and thought about going downstairs and strapping a guy into that seat. . . ."

Most of the men on The Row spend 22 hours of every day in their cells. On alternate days, they are allowed to spend two hours "on the tier" — the hallway outside their cells — or in a caged rooftop exercise yard.

They can have television sets and radios and take correspondence courses. They eat, study, read, write, worry, and perform all of life's necessary functions — always alone but never in private — in their cells.

"Right now, they could open that door and take me downstairs and gas me," Albert Wilson is saying through the bars of his cell. "I wish they'd hurry up and do something one way or another."

Wilson, 34, was an escapee from the Kansas State Penitentiary, where he was serving a 1- to 30-year sentence for assault, when he was convicted of robbing and murdering a distant relative, 50-year-old Lloyd High, in San Bernardino last fall.

'Right now, they could open that door and take me downstairs and gas me.'

Bee Photos by Dick Schmidt.

Jay Love, looking 65 at 41.

Faces On The Row

From left: Samuel Jones, who was killed shortly after being interviewed;

Harry Harding, who can afford to carry on a legal battle.



Guilt and innocence are discussed. Wilson and Jones said they didn't do it. Love said it was accidental. Wilson spends a lot of time worrying in his cell; Jones is dead; Love draws pictures of clowns and writes his autobiography and tries to convert his brethren to Christ.

Harry Harding, the Napa businessman convicted in Woodland last year of having his wife killed, spends his time trying to get a new trial. He, too, insists he is innocent. The difference between Harding and most of the 450-some people on death rows around the country is that he has the money to hire a private attorney.

Harding, 57, who had never been to prison before, is a "tier-tender" on The Row, which means he is out of his cell more than the other men.

"For a man who's never been arrested in my life," Harding is saying, "and who is innocent, this is very hard to describe. I had to adjust. I didn't have any choice. It's like the Army. You can't fight it."

He is confident he will get a new trial: "I'm not particularly worried about my own situation. Among the rest of the men here . . . Well, they're waiting."

Now you go back down in the tiny elevator, through more heavy metal doors, through more corridors, to the bare little room with the bright turquoise paint and the two square chairs with straps on them.

The chairs are labeled "A" and "B." Neat, orderly, like this strange, silent room.

California's gas chamber looks like a space module that should be hurtling through time instead of squatting ungraciously in this empty room with the waist-high railings and the stair-step platforms where witnesses stood to watch people die.

Aaron Mitchell of Sacramento was the last to go, in 1967, for the 1963 shooting death of a policeman. There hadn't been any executions in California for four years before that, and the furor over Mitchell's execution was enormous.

People picketed in front of then-Gov. Ronald Reagan's East Sacramento home and at the gates of San Quentin. Speeches were made, articles were written. There weren't any more executions in California after that, and only one more in the country — Jose Luis Monge, in Colorado, about a month after Mitchell. In 1972, the California Supreme Court said the death penalty was "impermissibly cruel" and "dehumanizes all who participate in its process."

"There have been arguments that executions would be more humane if somebody gave the guy a shot while

he's asleep, or put poison in his food," says assistant California corrections director Phil Guthrie. "But it always comes down to who would be willing to do it. And no matter how you do it, the inmate would anticipate it, the horror of it. . .

"I was present at the Mitchell execution, and I think what bothered me more than anything was the spectacle of it all. Seeing him die was like watching him go to sleep. The dynamics of the whole thing — and the fact a lot of spectators were there — were what bothered me.

"Needless to say, I'll never forget it."

One hundred ninety-four persons were executed in the gas chamber between 1938 and 1967. Before that, people were hanged at Folsom or San Quentin.

Former Warden Clinton Duffy, outspoken opponent of capital punishment, witnessed 150 executions at San Quentin. "Each," he wrote years later, "was a separate and distinct ordeal, unsavory, nauseating and infuriating. I faced them all with dread and I look back on them with revulsion."

Joe Ferretti, a retired San Quentin guard, remembers most of them. He worked at the main gate for 24 of his 30 years at Quentin, and he was the "babysitter" at 126 of the 194 executions. That meant he would sit with the condemned while they were kept in holding cells for 18 hours prior to executions.

There would be no relatives, no attorneys. Just the guards, maybe a chaplain or the warden, the condemned and — on the other side of the holding cells — the steel-riveted turquoise room.

"It was a job," Ferretti recalled in a telephone interview last week. "Somebody had to do it. I'd make coffee all night, play the radio. Whatever they wanted, they got to eat.

"You didn't pay much attention. You'd get a few butterflies maybe."

There was extra pay for the guards who attended executions. "When I first went, it was \$15," Ferretti says. "Then, at the end, it was \$75." Wardens at San Quentin earned \$1 more a month than wardens at Folsom because the former had to be present at executions.

There seems to be very little logic, prison officials will tell you, in determining who will be executed and who won't.

"We estimate about 20 per cent of our population at San Quentin is here for homicide," says prison information officer Bill Merkle. "The difference between the other men and these guys (on Death Row) is a technicality. There are different judges and different juries.

"There are men on the mainline who may have committed worse crimes than the men here."

On Death Row today, the youngest inmate is 19 (Fred Hawthorne, convicted in Sacramento of the murder-for-hire of Air Force Sgt. Robert Thompson), and the oldest, Harry Harding, is 57. Thirty are white, 23 black, nine Chicano, one Puerto Rican, one Portuguese. Of the two women at CIW, one is black and one is white.

Although prison officials say the residents of Death Row in California represent a "cross-section" of the population, other authorities disagree. Anthony Amsterdam, the Stanford law professor who represented the NAACP in death penalty arguments before the California Supreme Court this month, calls that notion "unmitigated nonsense."

At the back of the turquoise steel chamber, behind the rows of stairstep bleachers where the witnesses stood, is a heavy steel door. You have to throw all your weight against the door to get it open, or to close it. The door leads outside, to a spectacular, palm-studded view of the bay.

Condemned men don't usually see that side of the room. They use another door, and depart under somewhat different circumstances than visitors.

But today, Larry Jackson is sitting outside the heavy steel door, talking about the time 13 years ago when

came within 18 hours of being strapped into B chair.

Jackson, 49, was sent to Death Row in 1962 after he was convicted of the sex murder of a Southern California woman. He spent almost a decade on The Row, and his sentence was changed to life imprisonment when the Supreme Court ruled in 1972. Today, he is a minimum security prisoner who works as an inmate clerk at San Quentin.

That's a long way from one day in October, 1963, when he was getting ready to be taken down to the gas chamber.

"I had accepted the fact that I was going to be executed," he recalls. "I'd said goodbye to my family. I'd even sent out some of my personal property."

Just before he was to be taken to the holding cell, he received a stay of execution from a federal court in San Francisco.

"I sat on my bunk," he told a reporter, "and cried for 15 minutes."

If Georgia executes Leon Troy Gregg or anyone else in the next few months, the door could be opened for additional executions in other states with death statutes similar to those upheld by the U.S. Supreme Court in Georgia, Florida and Texas.

No one really knows what will happen in California. A lot hinges on the State Supreme Court's ruling, expected before the end of the year. If the court rules California's 1974 death penalty law unconstitutional — as many legal experts expect it will — there remains a possible appeal by the state attorney general to the U.S. Supreme Court, or the legislative re-drafting of the 1974 law to comply with standards upheld by the nation's highest court.

The possibility of an actual execution in the United States — after nearly 10 execution-free years — has again sparked widespread philosophic and legal argument over capital punishment, and mobilization of efforts to stop executions in America.

"People haven't been thinking about these issues for 10 years," says Deborah Leavy of the American Civil Liberties Union's death penalty project. "It hasn't been a reality and people haven't thought about what it means for society to take a life.

"We're not talking about one or two executions a year, like in the 60s, or even a couple of dozen a year, like in the 50s. We're talking about hundreds a year, which we haven't had since the 30s.

"I think when we come to that actual (first) execution, people are going to turn away from it just as they did 10 years ago."