

## Interview Transcript

**Kathleen Hawk Norman - Foreperson of a capital case jury**

**Dan Bright - Exonerated death row inmate**



**Kathleen:** As I say, I didn't really know where I stood on the death penalty but I knew that it was the law. But of course at that time I really believed that the system...basically worked, you know. You know, I believed what we've all been told, which is – it's the best system in the world, you know. But Dan had no defence at all, I mean this guy was just...if he wasn't drunk during the trial he was at least severely hung over, I mean, he was really bad, and-

**Mike:** the defence lawyer that was?

**Kathleen:** Yes, yes. And he has since died of his drinking problems. But there's a weird circular logic that happened in the jury room and that was - if no defence was presented it must be because there is no defence. And if there is no defence it must be because the guy is guilty. And, you know, the whole setup of the courtroom is geared, first of all you're invited there by the state, not by the defence.

There's one side of the room where the jury sits and on that side there are the prosecutors and the police officers, you know, suits and uniforms, law and order over here, and then on the other side you've got this, you know, one guy and his defence lawyer and, you know, there's nothing on their side of the room. So, you know, the whole idea of the presumption of innocence is sort of already skewed, you know.

So it's kind of shameful for me, you know, to admit this, and of course, you know, I've read the transcripts, you know, five hundred times since the trial but - and now I can see all kinds of things that I just didn't notice, you know, when I was in there and part of it's because, you know, they use fear and hysteria, you know, and, you know, and so for example, you know, they showed us the bloody t-shirt that Murray Barnes died in. And, you know, that's very inflammatory, you know, it in no way connected Dan to the crime, but they parade this bloody t-shirt around and, you know, the jury starts to feel like – somebody has to pay for that!

You know, and there's only one guy in the room that is available to...to pay for it! And it happened to be Dan Bright. Dan didn't testify and we found that difficult. And when we, when we sentenced him to guilt, then they went into the sentencing phase. And in the sentencing phase, the people who testified for Dan, his mother, and what Rose said on the stand, and we've since become, you know, very friendly, but, what she said on the stand was, you know, please don't execute my son, I've already lost one of my sons has...has already died. And, you know, was killed on the streets, and, you know, at least allow me to visit my remaining son. Well, you know, something again happens to the jury while we're thinking – well, this must be a bad family, you know, these must be bad people. One kid's

already dead, and again that's not right, but a good defence attorney would point that out and say that has nothing to do with this. And, of course, his defence attorney said nothing.

The other person who testified was the mother of his twin girls and, I remember those girls so clearly, I mean they were, you know, adorable little toddlers, you know, all dressed up and cute in the court room. And, you know, when...when she got up there she was, you know, angry, and, you know, arms crossed and she's, you know, scowling at everybody, well, you know, I think back on it now and I think, you know, the father of her children was being wrongfully convicted; of course she was angry! But, what we took it as was something very different, you know, and I don't think there was any preparation done with her to, you know, to soften that and make her feel human. Nobody did anything to make Dan feel human, you know. So it was kind of all done in the abstract, if that makes any sense. You know, there was no real face on this other than the murder victim. Ok. The entire trial, including selecting the jury, from the time that we started the selection of the jury until the time that I stood in open court and said...that I sentence this man to death, was a day and a half.

Four years later, on a Saturday morning I get a knock on the door, and, it's one of Clive's lawyers and, and then they told me that they believe Dan to be innocent. I just felt like I'd been hit by, you know, a truck. I just thought – innocent? And, and, then, even then, I wasn't really angry because I thought – ok, well, we made a mistake, you know, we just go back to the court and we tell the court that we made a mistake and they'll fix it, 'cause this is the system that works, right? So I went back to testify in one of the post-conviction hearings. And, we went back in more procedural stuff and, and I testified a second time. Um, and I was blown off the second time too. And Clive brought a motion for bias, you know, just saying that this judge can't be trusted, he obviously has bias here. The judge ruled on that himself, (laughter) and he said, 'there is no bias', and he dismissed the motion.

By the time that they had, that, that Ben came to my house, Clive had already gotten the Supreme Court to overturn the death sentence. So Dan was now sentenced to life, he was off of death row he'd been four years there and then he was off of death row. But now we're looking at life imprisonment for an innocent guy! And this was just haunting me, you know, just haunting me. And, and so it was, you know, six more years of continually fighting.

So, when we finally got the Supreme Court to say to, to the prosecution - either retry this guy or let him go, because there's so many errors here that, you know, this, this can't stand, and so then we had to go back to the trial court judge, again, and they continued to fight us. And it took, it took several more tries after that and then finally the judge told the prosecution that they either had to make a decision to, to retry Dan or, you know, to let, to release him. And so they finally released him, but, so that was the first time I got to have contact with him. And, and Clive waved to me and called me up to the front of the court room and he said, 'I think there's somebody here that you wanna meet.' And it was very emotional, even when I think about it now it's very emotional. And Dan was, you know, shackled, you know, ankles and his, to his waist with his wrists, and his ankles were shackled. I went to shake his hand, which of course he couldn't do, and so he took my hand in, in his hands and, um, and he said, 'none of this is on you', you know, 'you didn't do anything wrong. You were a victim like I was a victim.' And, you know, we both stood there

crying, and, and then we sat outside of the court room like that for a few minutes. And, we were talking and he said that, don't forget about the others, that they're still there. And, I thought, ok, well, this is bigger than just me and Dan, I'm gonna have to get more involved, you know.

So, that's when I got involved in this building, and I'm now chair of the board of the innocence project and, and so, and I started an organisation – jurors for justice. And I've worked with other jurors in wrongful convictions around the country. Sort of advocacy work, counselling work with other traumatised jurors because I, believe me; every juror on a capital case is traumatised. Even if they, you know, believed as I did, that they sent- that they did the right thing. You know, they're traumatised, it's a horrible responsibility, to hold somebody's life in your hand like that.

**Claire:** So what was it that convinced you- when Clive came and said actually he's innocent, now you probably would have taken some convincing, you wouldn't just take his word on that. Was it just that he showed you that there was no evidence or was there actual...?

**Kathleen:** No, there was specific stuff like, for example, there was a FBI document, that... that said that Dan didn't do it. And it actually named the real killer. And, and the judge knew about that document, the prosecution knew about that document, and the defence attorney knew about that document before the trial and nobody ever introduced that document. So, when I saw that document, and it was all, you know, redacted, it was all blacked out, except for, you know, one line that said, you know, the murder committed-, the murder of Murray Barnes was not committed by Dan Bright it was committed by – all blacked out again; so there was no name on there. So, we sued the federal government, and the, federal judge that looked at that said, you know, the prosecution said, you know, we can't, you know, there's sensitive security information in there. We can't possibly release that information, and the judge said, 'it's also information that says the wrong guy's in jail. So, you know, give me the in, the whole document, without any black marks. I'll read it. If I think that the defence deserves this information then I'll give it to them.' And he did. And he gave it to us. And so, you know, that gave us the, the guy's name who actually did the killing. That guy was never, um...arrested, never tried, never...nothing. He's still out there on the streets he's...

**Claire:** What's the agenda behind that then? If they knew it was another guy, why did they carry on?

**Kathleen:** They didn't like Dan.

**Claire:** They just thought, he's a bad kid (Kathleen: right), we'll get him off the streets (Kathleen: right), it doesn't matter whether he did it or not.

**Kathleen:** right, right. They knew he didn't do it. So the police didn't like him, at all. Um, but in- its- they just wanted him off the streets, you know, they just, you know, so they'll tag him with this and...

**Mike:** If they couldn't get him for what he was up to they'll get him with something else?

**Kathleen:** That's exactly right. Yeah, that's exactly right and that's not the way our system's supposed to work. But that happens a lot. And, you know, in our, you know, a lot of it is obviously is institutional racism. You know, 'one black guy behind bars is as good as another, you know, as, you know, put 'em all behind bars, you know, that'll make our society safer,' you know. But, you know, when you look at it, I mean, you know, the innocence project has one white client, one. All of our clients are black. And, you know, Louisiana incarcerates more people per capita than any state in the union. So if we have the highest incarceration rate, then surely we have the highest innocence rate. And we have thousands of cases on backlog, thousands of cases. That we can't get to just because we don't have the money or the people.

It was just horrible. And then for it to go on for so many years.

**Claire:** Ten years.

**Kathleen:** Yeah, and, you know, just, you know, every time thinking, you know, this is... somebody has just gotta see how wrong this is, I mean. And why are they so invested in this decision, you know? I mean, why does it matter to them so much? Why is it so personal? Because it was personal, I mean, you know, the district attorneys, it was very personal with them. And, you know, with the judge it was personal, and, you know, and I just, you know, I think...I'm thinking why doesn't anybody-, why isn't anybody concerned about... the truth? You know, why is it just the conviction rate? And here are the citizens, you know, with all of these thousands of people in prison and we're all walking around thinking how much safer we are because they're in prison. Unfortunately, Tracey Davis, who committed the murder, is walking the streets, and Dan Bright, who didn't, is behind bars! How does that make us safer?

**Kathleen:** When Dan and I, the first time that we went out? I took him to lunch one day and we, you know, we talked, this is several weeks after he was out. And, and I said, you know, I just need to ask you because, you know, and I hope that this isn't painful for you, but, you know, what...what is, what did you feel like? You know, being sentenced to death, I mean, knowing that you were innocent, you know, what does... you know, what...what does that mean? And he said, 'it saved my life'. And, you know, if he had been sentenced to life, he never would have met Clive. Because Clive was only doing death penalty.

**Claire:** So, he would have still been in the prison for life?

**Kathleen:** So, he would still be there. He would still be there now.

**Claire:** There's an irony in that isn't there?

**Kathleen:** Isn't it.

**Claire:** Yeah

**Kathleen:** And, you know, and I've talked about that a lot in- in the speeches that I've done in that ironic way. The guys that are sentenced to death are the lucky ones, because they get an automatic appeal. Somebody works on it. If you're sentenced to life, you're just done. Unless you can afford to hire a lawyer, and they wouldn't be there if they could've afforded to hire a decent lawyer to begin with! You know, people with money don't get sentenced to death and they don't get sentenced to life, you know, it just doesn't happen. There's a very famous quote of a man, who was in fact executed, and he said that...that, 'the reality of capital punishment is the people with the capital don't get punished.' That was right before the state killed him.

### **Dan Bright - Exonerated death row inmate**

**Claire:** Tell us about your story, Dan. It must have been really...

**Dan:** Horrifying?

**Claire:** Yeah

**Dan:** Yeah, I don't know where I'll start. I think I should start with the judge. This judge wouldn't do nothing to right a wrong – we had to really force him, even though he knew ahead of time. It's like, in order for me to paint you a picture I would have to put you in like an average size of bathroom – that's my cell. My cell was the size of an average size bathroom and I stayed there for 23 hours a day. I'd only come out for one hour a day. I did this for 5 years.

**Kathleen:** That's standard on death row that they have 23 hours a day in their cell.

**Dan:** I would come out for an hour walk up and down the hall, take a shower use the phone and then go back in. The only thing that really kept me sane was that I knew I had people, family, you know lawyers who ... You know it's like if you have hope you don't give up. A lot of guys gave up and I witnessed that and I didn't - even though I knew the dice was stacked against me even coming off death row – I never gave up. I knew a guy that was given execution dates and I never put that in my mind that I was going to go through that and I didn't. Thank God.

**Kathleen:** Was anybody executed when you were there?

**Dan:** A guy... 2 guys ...Dobie. A guy was executed maybe like a week before I got there. Another guy - a black guy – came out of the ...

**Kathleen:** And you were in there when he was executed?

**Dan:** Yes

**Kathleen:** I've never asked you that question. What did that feel like?

**Dan:** I tried to block it out. If you don't entertain... this is what I was saying, that if you don't entertain in your mind what you might have to entertain yourself and you don't want that so I tried to always breathe and just block it out. I wouldn't really never have hope. I never put myself in the same category as these guys because I didn't belong there so I was, like, looking at it from a positive point of view. I only got familiar with two guys – I didn't really want to get familiar with anyone because I didn't want to see them die. I didn't have anything to do with them. The two guys I got kind of cool with they had just come so I knew they had a way to go before they were executed. I tried to distance myself from all that. I'm not a very emotional guy so I tried to stay away from all of that.

It's just this corrupt system. I was in the wrong place at the wrong time. They not only lied to the jurors, they lied to the public, period. This thing went on for pretty much... they made it seem like I was this type of ... type of guy. My last name was not... (inaudible)... so why would she go through all that for me? But as time went on I realised that you tell a lie you gotta tell another lie to cover that lie up so before they could admit they was wrong they had to keep doing what they were doing. And the jury admitted they were wrong and the DA's admitted they were wrong and we still can't find ... but she knew.

**Kathleen:** She quit practicing law.

**Dan:** And I heard that David... (inaudible)... got in trouble in...(inaudible)... while he was there. He came in and said it was her fault and she hid the evidence that he couldn't find it ... it was just ...People go on and on and on about my case but it's just... Even when the third court told Dennis Waldron to give me a new trial he refused to do it. Even when they realised they was wrong they still didn't give me a new trial, they still didn't cut me loose, they just downgraded my charge to "Life". That's still a death sentence to me – it's just a slow death sentence. I don't know if they thought I was gonna be happy with that or take that and run – go "I'm happy I'm off death row" but why would I accept that if I didn't do anything. And it didn't get any better for me to go from death row to population because now I'm in population with all these crazy... you know you've got some guys in prison who belongs in prison. Big old guys, you know what I'm saying, this guy gotta get raped, get stabbed, I witnessed a guy get burnt up, a guy threw gas on him in his sleep. And I'm sitting here looking at them, like, I don't belong with them.