

Interview Transcript

Don Cabana - *Prison warden and executioner*

Don: And this is where some of the surrealism really just jumps out at you, you have to go and sit down and have a conversation with the inmate and say, 'you need to tell me what your family's plans are for claiming your body, or should we plan on giving you a funeral and burying you here, in the prison cemetery?'. What an odd thing to have to discuss with some twenty-six year old kid, you know. And then there's the...the infamous, 'what do you want for a final meal?' routine. You have to decide what the ground rules are gonna be for his final visits with family and dealing with the family is challenging, you know. In Evans' case his mother and father, he came from a, a really good family and, you know, the hardest thing was to have to tell a mother that it was time to say a final goodbye to her son. And when I told her that Sunday before the execution that it was time she came over and she rested her hand on my arm and she said, 'I...I've known you now for six years and I know you're a good person and I know you have children of your own, please don't...don't kill my child'. And, that's...that's...that's difficult.



Wardens also, I think, deep down inside they secretly hope for absolution from the...from the inmate. And that's important because I think, at least my experience, was that every time I executed somebody it was like a little bit of me was dying along with them. And had any of the inmates that I knew well and had gotten close to and executed, failed to give me absolution it would have left me with a very empty, empty feeling.

It's interesting that in the last ten years you've had several Supreme Court justices who, after they retire, say, you know, 'I'm greatly troubled by the death penalty'. Not, not on moral grounds, necessarily, but in terms of the cases that I handled in the Supreme Court that came to me, the process of who gets the death penalty, who goes to death row? It ought to be troubling to know that if your black and your victim is white, you're four times more likely to get a death sentence, ok. Death row is pretty much fifty-fifty black-white, but the problem with that...and folks will say, 'see, you know, they're... they're not the majority'. They only represent fourteen per cent of the American population, you know, but they constitute fifty per cent of death row, and they constitute over fifty per cent of the prison population. You'd think that Americans would have already taken a step back and said, 'you know what, Jesus, the Governor of Illinois says that fourteen people went to death row mistakenly, on his watch. We, we need to stop and take a look at this system'. That hasn't happened.

I walked out into the lobby yesterday to go across to the other side and this black gentleman was sitting out there and he said, 'Warden, can I talk to you for a minute?'. He said, 'you won't remember me', he said. 'The first institution you ever ran,' he said, 'you were so baby-faced, I, I thought to myself, you have no business being a warden 'cause you're not much older than I am.' And he said, 'I was one of the first prisoners to come in there when they opened it up.' And he said 'that's the only time I ever got in trouble in my life,' and he said, 'I want you to know that I have always followed your career, and I've always been so proud for you.' And he said, 'I just wanted to tell you after thirty years, I

never had a chance to tell you thank you for what you did.' And I said, 'I didn't do anything.' And he said, 'Yes you did. You treated me like a human being and you gave me a chance'. And so once in a while, you know, you don't know it most of the time, but you do make a difference. And, and that's what makes this job so interesting. And there are people who change their lives and you like to see that.

I was on a TV programme in New York one time and this lady from Texas was there and her daughter and son-in-law had been murder victims in a robbery. And she had attended the execution of the guy that...that murdered them. And she said to me, she said, 'I'm catholic like you, but (she said) I don't understand how you can, how you can take the position that you do. She said are you, are you just, do you just blindly follow, what some bishop tells you?' and I said, 'no. I said as a matter of fact, I tell you when I was a warden and I would talk with my bishop about this execution stuff, and, you know, his thing was, the church doesn't dictate to somebody what they should believe. It...it...encourages you to form some conscience about it and, and make decisions. But I think it's the churches responsibility to among other things to say here's the churches position, and, you know, hope that folks understand the position and see the value in it.' And she said, 'well, I, you know, I consider myself to be a good practicing catholic, but I don't buy this hog-wash about these guys all being spared and so on.' I said, 'well I can understand, your personal experience is very different.' And she said, 'besides that, she said executions are important to bring closure to the victim's family'. And I said, 'well, you know, that's interesting because I said I've had to deal with victims' families and, I've watched. And I said you know, I've never seen one walk away from an execution satisfied. They didn't find what they were looking for and, in some respects, they left with more baggage, emotional baggage'. And she said, 'no, not in my case. That's absolutely not true'.

Well, ten or fifteen minutes later she came back and she said, 'I know you'll be able to understand this as a catholic yourself, she said, every night she said I wish I could commit suicide so I could be with my daughter and son-in-law again but I can't, because it's against the churches rules. So, she said every night I pray that I'll die during the night'. And I just looked at her, and I know I sounded probably cruel at the time, but I was just kinda stunned. I said, 'honey, that doesn't sound like the emotional closure you were talking about. That's, that's not emotional closure, that's terribly painful.'

In the case of Edward Earl Johnson, because he insisted on his innocence and prison officials are used to hearing that all the time. But where a death row prisoner's concerned, once they, they know they're gonna be executed, you know, invariably what happens is, I mean, they're not gonna jump up and say, 'well, Halleluiah I might as well 'fess up, tell the truth, I did it'. They will say that...in, in...in their way, you know, if they, if they say, 'warden, would you apologise to the victim's family for me', well hell, if you didn't do it then there's nothing to apologise for. Or, 'tell my mamma I'm sorry'. You know, um, but in Edward's case, you know, he, when I asked him if he had any final words, you know, he, his statement was, 'I'm innocent. I haven't been able to make anybody listen to me or believe me, and warden, you know, in a few minutes your about to become a murderer'.

Well, you know, there's a certain amount of role play that goes on too and inmates and prison staff alike sometimes think they're supposed to play these macho roles to the

very end, you know. And, because I knew this kid and his grandmother who raised him, and I knew that he came from a religious family and in the prison he was very observant, he was, he didn't wear it on his sleeve for everybody to see. And so, I thought – you know what, if what we have here is the bravado thing to the very end. And so I, I leaned down and whispered to him, I said, 'son, I'm gonna step on out of the chamber here in a few minutes and as soon as that red phone rings, we're gonna have to proceed. And I said 'You know what, there's twenty something people standing around here witnesses and staff and stuff, it's not important for any of them to hear you say – 'I did it', ok. That doesn't matter. But what is important is that whatever the truth is, that, before I have to give the order, you have made peace between you and your god about the truth. He needs to hear you say what the truth is. Nobody else here needs to and they're not entitled to. You don't owe anybody here anything. But you owe yourself and you owe the god that you profess to believe in that clear understanding'. And I thought, you know, this is pretty good stuff I'm saying here if he's just playing a role and he really did the crime and stuff, maybe this'll bring him around because I think you really think about.... I said to the governor one time, 'look, um, you know, part of what Christianity preaches is redemption. And I said what if some prisoner that I execute might have achieved redemption next week, next month or next year? Once we've executed them that possibility's gone forever'.

And so that was important to me for this kid and he looked at me very calmly and he said, 'warden, I'm at peace with my god, how are you gonna be with yours?' And, I walked out of that chamber convinced that he was innocent, I really did.

The person that I appointed to have the, the horrible task of having to mix the chemicals for the gas chamber. I said, that person retired in his thirties on a medical retirement and he is under mental health care and probably will be for the rest of his life because he just hasn't done a good job of coping with his role in the execution process. I said, people suffer as a result of it and it's not just the inmate. And I said, people pay a price, and I said, you have to understand that in the states the prison officials don't determine who lives and who dies they're simply carrying out the mandate of a jury and a judge and, therefore, a society in that state. And I said, you know what, we pay a price for doing that. It's our hands that get dirty not the citizens. And I said I, you know, I watched this man who literally had a nervous breakdown, because of his role. And I said, that's a horrible price to ask anyone to pay. But it's one that people don't see and don't know about, see, they don't get that insight.