

# Capital Punishment: Private Anguish, Public Advocacy



Rachel Jennings, far left, and the Texas Coalition to Abolish the Death Penalty (TCADP) protest against the execution of Carl Buntion.

by Rachel Jennings

On February 16, 2023, seven months before his scheduled execution on September 13, Henry “Hank” Skinner died of complications from surgery to remove a brain tumor. In this way, Skinner escaped being injected with the expired, medically unapproved drugs the state of Texas uses to kill inmates. Insisting on his innocence, Skinner had been sentenced to death in 1994 for killing his girlfriend, Twila Jean Busby, and her two adult sons, Elwin Caler and Randy Busby.

Twice before his death, in 2010 and again in 2011, Skinner received a stay of execution. Too closely resembling intentional torture, the first stay was announced just twenty minutes before he was to be executed.

A brain tumor is a painful way to cheat one’s executioners. Knowing how desperately Skinner had resisted the shame and humiliation of execution, I felt strangely happy for him. For Skinner, a natural death was a victory. But why? His recent death has inspired me to compare the cultural meanings we attach to capital punishment and chronic or terminal illness, whether a brain tumor, cancer, or some other disease.

Admittedly, cancer is my personal fixation. A two-time early-stage cancer survivor, I have been treated successfully for both endometrial and Stage II breast cancer within the past five years. As a survivor, I am fascinated by the ways in which cancer became part of my public identity during treatment. People would remark that I was a “brave” survivor or someone with “faith” who did “not give up.” In reality, I responded to my cancer diagnoses with anxiety and fear. So great was my psychic torment that I found it impossible to write in my journal, read books, or even watch movies. Our culture, though, has a deep emotional need for cancer heroes, something I am not. In contrast, how differently we perceive death row inmates who must struggle daily to maintain hope and sanity. In the public’s imagination, those inmates are monsters, irredeemable demons who deserve an expeditious and painful death.

## Public and Private: Intimations of Mortality

Cancer patients and death row inmates alike must unceasingly negotiate the public and the private. Both the cancer patient and the death row prisoner do hard time in the mind jail, experiencing deep social isolation as they face their mortality and pray on this occasion to be spared. Doctors and nurses, ethically bound to maintain confidentiality, help construct this hermetically sealed

space of privacy for cancer patients. Employers, likewise, maintain strict standards of confidentiality regarding employees’ medical conditions, a circumstance that protects workers but also can prevent them from sharing their grief and fear with others. On death row, likewise, secrecy is paramount. With motives that differ from those of oncologists, infusion nurses, or patients’ employers, prison staff limit death row inmates’ access to the outside world. At the scheduled time of execution, prison staff kill inmates with as little publicity and transparency as legally possible—not to protect inmate privacy but to avoid public outrage and lawsuits.

Resisting this intense isolation and secrecy, allies of cancer patients and death row inmates try to raise public awareness and publicize individuals’ stories. Celebrities from Lance Armstrong to Sharon Osbourne and Melissa Etheridge promote cancer prevention and funding for cancer research. Cancer non-profits organize fun runs and telethons and, depending on the type of cancer, promote the wearing of pink, blue, green, yellow, orange, or red ribbons. Sadly, these ribbon awareness campaigns have sometimes become too pervasive. For example, breast cancer “pink washing” has allowed companies to print pink ribbons on everything from maxi pad packaging to cereal boxes to yogurt containers and milk cartons. As a marketing tool, pink ribbons allow companies to profit from cancer patients’ suffering while failing to generate funds for research or cancer care. In general, however, most public awareness campaigns are earnest efforts to support cancer patients, fund health care, and seek a cure.

Death penalty abolitionists, too, have publicity campaigns. These efforts include protests, vigils, letters to the editor, podcasts, and legislative lobbying days. Like cancer awareness campaigns, death penalty abolitionism has widely recognized figures as spokespersons: Bryan Stevenson, author of *Just Mercy*; the actors Martin Sheen and Susan Sarandon; Chris Stapleton, who recorded the song “Death Row;” and many others. Unlike cancer advocacy, which can burnish the public reputations of celebrity spokespersons, however, death penalty abolitionism is controversial and polarizing. Derided as out-of-touch, elitist liberals, public figures who denounce the death penalty often pay a price professionally.

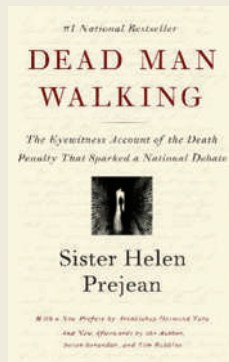
## Sister Helen Prejean: Personal Friend, Public Advocate

In popular culture, the person who most epitomizes the anti-death penalty movement is Sister Helen Prejean, author of *Dead Man Walking* (1993), a nonfiction account of how she served as spiritual

adviser to convicted murderer Patrick Sonnier. After accompanying Sonnier to the death chamber, she becomes spiritual adviser to other inmates and also speaks out publicly against the death penalty. In her vocation as spiritual adviser, Prejean listens to inmates' most private expressions of boredom, rage, guilt, and fear. After Sonnier, she has accompanied several other men to the death chamber in their final moments. At the same time, in her role as the world's most famous death penalty abolitionist, Prejean has a very public role. She delivers hundreds of public talks each year, writes articles and books, and meets with political and religious leaders, including even the Pope.

In *The Death of Innocents: An Eyewitness Account of Wrongful Executions* (2005), Prejean recounts the histories of two death row inmates she believes were innocent, Dobie Williams and Joseph O'Dell. Reading her account, one senses the tension between her role as spiritual adviser and her demanding schedule of public advocacy. What makes her work even more demanding, though, is her private anguish as her best friend of more than thirty years, Ann Barker, once a nun in her own order, lays dying of breast cancer.

Faced with an agonizing dilemma, Prejean must decide whether to stay at her dying friend's bedside or to be a public advocate. At one juncture, advocates for O'Dell have asked Prejean to fly to Richmond, Virginia, to speak at a press conference in the desperate hope that public pressure can save him. Later, these advocates ask her to travel to Italy to speak to the Italian Parliament, meet with Pope John Paul II, and embark on a sort of tour of Italian cities in order to bolster opposition to the death penalty. O'Dell's life might depend on her efforts.

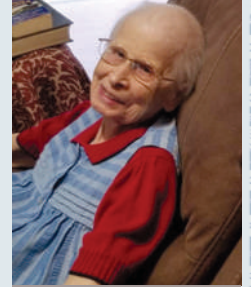


Meanwhile, cancer has taken a cruel toll on the body of her best friend. Thus, she must negotiate between her personal friendship with Ann and the duty to save O'Dell. Distraught by Ann's suffering, she visits her beloved friend as many hours as she can. "After each round of chemotherapy and fierce doses of radiation, which burn her terribly," Prejean writes, "the defiant tumors keep growing—in her back, in the fluid seeping into her lungs, even in the long scars across her chest where her breasts had been. It's a vicious cancer" (57). Ultimately, while wanting to stay with her friend, Prejean flies to Richmond for a single day to voice support for O'Dell. Since Ann is close to death, Prejean turns down the invitation to travel to Italy but agrees to write a letter to Pope John Paul II. When she accompanies Ann "to the hospital for bone and liver scans and we wait together for the report," Prejean writes, "I think of Joe O'Dell, who reads his life-or-death scans in Fourth Circuit and Supreme Court verdicts" (113). Succumbing to breast cancer, Ann Barker dies. Contrasting her friend Ann's death with the premeditated execution of Joe O'Dell, Prejean observes that Joe will "not simply die, he will be killed" (113). After her friend's death, Prejean describes a "jagged empty space" inside her, which she understands to be "a lonely new freedom" (136) that allows her to focus entirely on opposing the death penalty. The

## Hilda Jennings: Clinton, Tennessee

August 8, 1934 - January 19, 2023

*Heartfelt condolences from the Esperanza staff, board and Buena gente to Rachel on the recent passing of her dear mother, Hilda. May she rest in peace and continue to comfort her family with the memory of a well-lived life full of love.*



memory of her friend, who died when "not yet sixty years old" (112), motivates Prejean to continue her struggle against premature deaths by execution.

For Prejean, the ravages of cancer mirror the brutality of capital punishment. Her graphic descriptions of her friend Ann's cancer echo her detailed accounts of executions she has witnessed. In this way, Ann's cancer becomes a metaphor for the "vicious" (57) cancer of capital punishment. Although the sanitized, pseudo-medical theater of lethal injection disguises the torment of persons killed by the state, Prejean suggests, their deaths are as psychically painful and terrifying as deaths by cancer.

### Death by Natural Causes

Last fall, my mother was placed on hospice care. While I do not know her exact views on the death penalty, my mother cared deeply about social justice and treating all human beings with dignity and respect. Unlike prisoners who are executed, my mother lived a full, long life in which she was treated with respect and compassion. For decades, medical doctors did all they could to prolong her life, treating her for a range of debilitating illnesses, including leukemia, congestive heart failure, and severe osteoporosis and arthritis. After she entered hospice care at the age of eighty-eight, there were do-not-resuscitate orders and an end to aggressive medical treatments, but hospice care providers did not hasten the end of her life or torture her with announcements of her impending death. Her natural death with family and loved ones at her bedside is the death that everyone deserves, including those who may have taken a life.

My mother, a white middle-class schoolteacher, died peacefully surrounded by love. In death as in life, though not wealthy or well-connected, she embodied a certain sort of racial and class privilege. Death row prisoners, usually people of color, poor people, or mentally disabled, do not die peacefully. Nothing represents the racism, classism, and able-ism of our society so much as the death penalty.

BIO: *Rachel Jennings teaches English at San Antonio College and is active with the Texas Coalition to Abolish the Death Penalty (TCADP). Her wish is to see the end of the death penalty in Texas and the U.S. She is also a boardmember of the Esperanza.*