- Well, of people who know very well about the issue of public safety, they have been victimized themselves. They've lost their children. And the only member of the group that has made some significant changes is Marinelle Timmons from the Mothers Against Drunk Driving. Those folks have made some real progress at changing laws that make some sense, which incidentally match the laws that they passed 25 years ago in Scandinavia. I mean, that's just not coming to this country, so they had a model to go by.

Crime has gotten to the degree that, when you walk to your car from this building, you have got to pay particular attention to your safety. If you don't do that, you're a damn fool. I'm an old man. I've got to look over my shoulder too because somebody might think, because I got to go into town, I got some money in my pocket. We have gotten to the level in our society where we live with fear that I never thought we would even think about 25 years ago.

Now, what are the costs of that? What are the costs in stress, George? What are the costs in being able to do our jobs as teachers, do our work as students? We're all paying higher taxes for that right now. Now get back on the subject-- what role does capital punishment have at reducing those costs, Jude?

- At the rate we're going, we're spending-- in this state, at the rate we're going today, $10 billion to kill people-- the people, just the existing people on death row.

- What is that figure? It doesn't--

- Well, it's somewhere between a--

- No, no. How do you get to that figure?

- Yeah, I'm telling-- it's somewhere between a billion and $10 billion per case once you get through all the appeals and all of that. That money--

- A billion dollars?

- Yes.

- Shoot, that's an awful lot of money.

- It's ridiculous. And right now, we have 360 people on death row. Even a billion dollars apiece, it's-- excuse me, millions.

- Oh, OK.

- You add up to a billion.

- OK.

- If you take 300--

- You get up to a billion in the aggregate.

- Right.

- OK.

- If you take--

- [INAUDIBLE]

- Sorry.

- I was worried there.

- You take 360 people, just today's numbers, add somewhere between $1 and $10 million apiece, you get up to a billion bucks or 10 billion bucks, depending on what it ends up. That's a lot of money that could be spent on prevention and care.

And the thing that I see most often is people say-- and I agree with you entirely when you say that people aren't willing to spend that money. Was it Justice Oliver Wendell Holmes had said, with taxes, I buy civilization?

- Mhm.

- That's what, presumably, we're supposed to be doing with our tax money. But it's not, because we're wasting it. We're spending it where it doesn't do a bit of good, and it hurts. It hurts lots of other people.

- Belinda?

- I disagree.

- You don't get paid as part of that million dollars, apparently, right?

- No, I do not.

- But how expensive and exhaustive are appeals?

- I don't know. I don't have any figures, but I'm told that it's very expensive. But I would be willing to say that-- this lady mentioned about programs and so forth. I would be willing to guess that when you talk to folks about raising their tax dollars, they would be willing to do that. I mean, we often hear people say they'd be willing to pay more taxes for more prisons.

And so I think that you would have people who'd be willing to foot that bill if they think-- first of all, one of the big complaints that you hear from people is that folks are on death row too long, and I tend to agree with that. So that would certainly cut down on the cost if they're not sitting on death row for 8, 10, 15 years before a sentence is actually carried out. But I don't think people who believe in the death penalty would have a problem with footing the bill for that.

- You know, with a couple of possible recent exceptions, people on death row, in fact, do change a lot. Would that surprise you?

- Without any kind of treatment, right?

- Yeah, well there's no program for that in death row, but--

- I would say that, as far as changing it, to me, that depends on how you define change. I think that someone who is confined in a little, tiny cell for 8 to 10 years while their case is on appeal is going to react differently than someone who was, first of all, confined in prison without parole and knows that he or she will never get out. And certainly, people act differently when they're out in what they call the free world.

I mean, a guy that I tried a few years ago for the death penalty for three months-- I got to see him every day in the courtroom, and he was certainly a different person in a suit and tie when I spent time with him for three months than I knew him to be on the streets for about two months when he was committing murders and shooting people.

- I wanted to respond, and I guess you're going to take more questions or something. But I wanted to respond to a couple of allusions that have come up about popularity of the death penalty, in that I'd like to point out that there are a lot of issues that aren't popular at one given point in history that, later on, we come to recognize as the way to go.

And slavery, for example, was popular a hundred years ago, a little more than 100 years ago. But prior to the end of it, if you took a vote of the people of the United States, it was popularly supported. Yeah, and I think, generally speaking, we would recognize that it was a pretty bad idea.

- Yeah, but capital punishment has been around as long as slavery, and there hasn't been that much movement in the masses.

- There's been a lot of movement back and forth, the sort of modern polling theory and all that stuff. If you go back 20 years ago, there was a different point of view, and 20 years before that, a different point of view. Popularity is not really the issue here.

- Yeah, what other Western countries, European countries, people we call our allies-- I guess the whole world is our ally anymore. Who's doing capital punishment besides us? Any idea?

- I don't know.

- Any idea?

- Yeah.

- South Africa's--

- South Africa has a moratorium on it. Soviet Union has ended it. Used to be a couple of years ago that they used to say--

- Saudi Arabia, probably.

- Iraq, Iran.

- Iraq, Iran.

- Saudi Arabia. Used to be that--

- Certainly, Egypt. Egypt has lately been using it a lot.

- In the Western hemisphere, I think Paraguay and Barbados, I think, nobody else.

- I thought Barbados was a vacation spot.

- Among industrialized nations, we are it.

- Any more questions out there, anybody?

- Yeah.

- I have some people with microphones, hands up.

- In reference to changing when a criminal gets out, how do you know? I mean, every prisoner, death row or not, finds God once they're in prison. So how do you know?

- And unfortunately, she is not with him when he robs the next 7-Eleven.

- Exactly, exactly. And when he leaves the prison, he probably no longer has God either. So how do you, Belinda and Jude, feel?

- Maybe that's a little different on death row because I happen to know a young man from death row named Clarence Brandley, who was convicted in what a neutral judge described as the most racially prejudiced trial in the history of Texas jurisprudence. He's now has fine church over in South Houston over Sunnyside, and he hasn't lost the Lord. But then he was innocent in the first place, so maybe none of this applies to him, that kind of thing. The microphone needs to get some action over here. Yes, sir.

- OK, does--

- She has a question.

- Well, I was just wondering how y'all felt about prisoners claiming they found God and changed. How do you look at that?

- As far as I'm concerned, I'm probably the only one here that's actually been to prison. It's a bunch of hocus-pocus, and it doesn't work in prison any better than it does in the free world. Yes, sir.

- All right, it's been mentioned up there that we're not willing to spend the money for incarcerating anybody or for rehabilitation or to take care of our crime problem. But we also had a speaker say last night that the voters in Texas passed a $1.2-billion bond issue to build prisons. It appears to me that we are willing to spend to see that justice is done, to see that people are incarcerated, and, if need be, some sort of rehabilitation.

- I appreciate you saying that. The problem with that bond issue, because I've been following that one for years, is that while we did approve the money to build the prisons, we have not yet found the money to operate them. The problem we're going to have when these prisons get built is that it's going to cost as much every two years to operate them as it costs to build them in the first place. Give the gentleman the microphone back because he--

And my question to you is, when that $1 billion, $1.4-billion prison construction becomes a reality, are the taxpayers of Texas willing to spend an additional $1.4 billion every two years to operate it?

- My feeling that when that was voted on, we did not or were not aware that it would cost $1.4 billion to keep these things going, so we made a commitment, I believe, at that time, to put the $1.2 billion on the line right now without even knowing what it would cost to operate it.

Because we did not know, we made it a commitment, I believe, to continue financing that system once it was implemented simply by the not statement-- not stating that would cost that much to operate. We voted for $1.2 billion and to get a job done, and we would have probably voted-- without knowing it, we committed ourselves to the operation of it as well.

- Be sure that Senator Whitmire knows you're willing to do that because I think it's the impression is that you are not.

- Well, I voted against it, but it did pass, and I think it was 62% that disagreed with me. And because of that, it's an indication that the general population is willing to pay for crime and punishment.

- Jude wants to respond to that and maybe clean up from the way I treated the last questioner.

- Well, I think both questions speak to the same thing, and that's the question of prison and change. And it seems to me-- and I've been looking at a lot of studies. I've been attending the hearings the last 18 months. There was a commission studying the whole prison question in Texas. And it seems to be that just putting people in prison doesn't change things, doesn't change people, costs a lot of money.

What changes people is the quality of what happens, for example, learning to read. That's a real, substantive change that you can assess in people, or getting health care, or something like that. A lot of what happens in many prisons as they are now is just, strictly speaking, punishment. And punishment, as far as I could hear and tell, doesn't work. And you can assess change in people. There are ways for professionals to assess change.

- I wanted to give a specialized piece of this to Belinda here just a second. You've seen a lot more people to prison than you do death row, right?

- That's right.

- And you see a lot of repeat business, don't you?

- That's right.

- Why don't you buy into this discussion here of talking about just building prisons and doing that? Is that real hopeful to changing situations of the public sector?

- Yes, from the standpoint of, hopefully, if there are more prison beds, then we can keep people in prison longer, that we can have some truth in sentencing, that people who are sentenced to 12 years don't do 12 weeks, and that perhaps-- and then, to me, that goes toward the goal of public safety, that when juries and judges send people to prison for x number of years, and the Board of Pardons and Paroles turns around and lets them out in a few weeks, I don't think-- first of all, it's not true to the sentencing. And second of all, I don't think that ensures or garners any safety in the public.

- The truth in sentencing thing is a big deal, a big separate issue. But if prison doesn't work in 12 weeks, [INAUDIBLE] thing is going to work in 12 months?

- Well, it may not work in 12 months, but certainly the person that you sent there for 12 weeks or 12 months, he's going to be back out on the street doing [INAUDIBLE].

- So the safety is just the period of time we are able to keep them. [LAUGHS]

- That's probably true.

- Here's somebody here that knows a little something about parole. f

- My question is two-pronged, I guess. First of all, on the death penalty, you're familiar with Kenneth McDuff case?

- Mhm.

- Who isn't?

- I mean, like I said, it's the point of my presentation there. If there is any reason for keeping the death penalty, it's because of a Kenneth McDuff. I mean, this man--

- What happened to him when he went to prison? Did he receive any kind of treatment? Did he receive any kind of work with him? Did anything change, or did it just get worse?

- It got worse. But the point is--

- That's what I think.

- I have interviewed many inmates who have attained their master's degrees, have attained all kinds of programs. When they get out, they are a different person. A person like Mr. McDuff, who has proven to be a killer, who has killed, will kill again. And that's the reason why death penalties are assessed.

I mean, we don't go out and execute folks just to be vindictive. I know as a member of the Parole Board, when I sign off on that either refusal to grant a stay of execution or grant one, it's because I am sure in my mind that that person will either commit another offense or won't commit another offense.

- Do you have access to the kind of material that will give you knowledge as to a person being severely retarded or severely mentally ill with a history of that? I mean, if it's in the record, would you sign the death warrant of someone who is in that kind of mental state?

- Well, it depends again, is there a proven fact that person can commit the same offense again? Yes, I would. You know, again, we have to realize that, as a member of the Parole Board, it's gone through what-- district courts, federal courts, state appellate courts, Supreme Court. I mean--

- Hey, wait a minute. Here's Belinda at one end of the system, all right? She's saying she's doing the best she can, making awesome decisions, and she, in her own heart, thinks she's right, knowing full well that she's going to go through all that process. And here you are, at the absolute other end of the system, saying that you're going to do the best you can. However, it has already gone through all of this.

- That's correct.

- So--

- I didn't see--

- --am I the only one here that thinks these kids look awfully greased?

- No, no.

- I didn't see anybody in that whole process who was being, other than one form or another, of-- pardon the expression-- lawyer. And I don't think law is the issue. I think here teaching and health care and guardianship and those kinds of things are the issue.

- There's no doubt that that the person, like I said this morning, is taken from the first grade, is raised to be an individual that's going to respect other people, either be their lives or property, obviously, we wouldn't have the crime problems you have today.

- But Danny.

- But Ray.

- If there can't be reform, what the hell am I doing sitting up here?

- I mean, I've been out of the joint 18 years.

- But Ray, you didn't kill anybody. We talked about death penalty.

- Yeah, but I was a horrible, heinous, economic criminal. I've--

- He was a terrible person.

- --broke into people's places and stole their things and all of that.

- Let me pose a question to you all. OK.

- And now I'm a politician. I got worse.

- What do you tell the family of the victim of Kenneth McDuff-- excuse me, victims of Kenneth McDuff?

- What I would tell them is, we're going to change things so that a person like that is never going to be released without having had care--

- I thought the person that committed--

- --and treatment--

- --the crime.

- --and change.

- But it's too late for that particular individual.

- You can't bring that person back. Let's change the person who did it, so they won't do it again.

- How can you--

- But Belinda--

- --guarantee that?

- I agree with that.

- Belinda, Belinda.

- How can you guarantee that? You cannot guarantee that. What you're doing is playing with someone else's life.

- I don't think so.

- I do.

- I think you can guarantee it.

[APPLAUSE]

- Now, I've been to Louisiana, Belinda, where they have life without parole. I have actually seen that 82-year-old man that robbed a cab driver, didn't kill anybody, when he was 17 years old, and he's still there. Well, he's not there a lot because the church ladies come and check him out like a book, and he spends a week at this church.

And the editor of their newspaper over there, who is the finest editor of prison newspaper-- he's gone most of the time to conferences and things. But they're doing life without parole. Now, my question is, since they spend 2/3 of their time outside of prison-- they've got to check in every once in a while, just get on a count-- aren't they really kind of on parole?

- The folks who are essentially life without parole?

- Yeah, spend about half the time outside the institution after they get about-- well, one's at 40, and the other's at 80.

- When do they start getting these privileges?

- As soon as they get recognized as a fine editor of prison newspaper in one of these days.

- Well, I mean, I would assume that they get those privileges by accruing good time and good behavior and those kind of things.

- If we have life without parole in Texas, would you be opposed to capital punishment?

- Would I be opposed to capital punishment? No.

- Yes, ma'am.

- OK, my question. First of all, there's over around 350 people on death row in Texas.

- About 382, I think, today.

- Yeah, approximately. Now, approximately, only 47 have been actually executed. Now, my question is to Ms. Fuller. You mentioned earlier that someone you had met on death row that had a major turnaround and you thought could be admitted back into society-- well, don't you think that that reality of being on death row was maybe the factor of that turnaround? That maybe once these criminals are-- if they face the reality of death, being put to death, that that's why they have the turnaround?

- I think that there are a couple of things that are pretty clear. One is that there is something that exists on death row that's different from what exists in the current general population, and that is the brotherhood and community on death row.

I had a letter from a man whose death sentence was commuted talking about that at one point. And he spoke very eloquently about the healing value of that closeness on death row, that he said there's nothing like that in general population because the system isn't set up at this point, although there is some small change toward it, to make it a place that will heal.

Healing is possible, and one of the things that the experts studying this around the country have found that, simply, purely, an issue is time and maturation. Particularly the young people, without at all reducing the reality of how horrible the crimes may have been, do sometimes simply because of the passage of time and, in other cases, because of the removal from drugs.

There's no doubt about it. There are a number of people, both on death row and not on death row, who committed murder either from methamphetamine, psychosis, or some other kind of drug-induced psychosis. And it goes both ways. Life is not perfect in both directions.

And there are people there who can be gauged to see how they have matured and how they changed to have a great deal yet to come back and offer to us, who would love nothing more in life more than to have the opportunity to try to repent and bring back to society something which, in another time and another place, they took away.

- Do you have any response to the rehabilitation-- yes?

- Ms. Feller, you made the analogy that, as we were looking at the victims of crime, how their families hurt and everything. And then you said, well, let's look at the other side of his, the perpetrator's, family, and you blame the death penalty for that. Wouldn't it be a fair analogy to blame the perpetrator himself for hurting his family as well as the victim's family, instead of the death penalty?

- I think both are true. I think absolutely both are true. The families that I know of people on death row often tell me that they hurt twice. They hurt for the horror of the other family, and they hurt for the horror of their family. And those of us who have lost our own family members to murder know how horrible it is for us, and my heart goes out to them to have to carry that double burden.

I wish we could find a way to hold each other together. And the people that I get angriest at and have to work hardest personally inside myself to forgive are the factors-- God forgive me-- the lawyers in the system who keep us separate, who keep us from finding whatever peace we could get through reconciliation and in coming together the two families.

- I deal with a lot of hurting people. I mean, the radio program every week, I hear the wives, mothers, and grandmothers, and occasionally I hear from victims. People call in because of the nature of the program. I cannot distinguish the pain between them.

And I think what we're talking about here today is the placement of severe blame. Do we then kill a mother's son because he has caused her more pain and other people pain? I mean, think about the awesome responsibility of having that kind of burden.

And I have a former companion that was murdered by a burglar, who has since been executed. The execution of Mr. Johnson did not take the pain away. There's still that hollow place inside, and everybody who has lost somebody knows exactly the feeling I'm talking about, that hollow place, that missing part of yourself where someone you loved used to occupy and give you warmth and nurture, and now they're gone.

That hollow place is no smaller because someone else died. And if anyone here is a survivor of a victim to whom their perpetrator was executed, who suddenly felt better, I want to talk to you because I need to get that experience. I'm searching for it myself. Yes, ma'am.

- We have a dual question here. I wanted to ask, where's the value for human life? We're talking about, supposedly, we are outraged because there are people going around killing dispassionately. And yet, we are doing the same things when we dispassionately send someone to be executed.

I grew up in a school where I learned the war heroes, and they were heroes for killing people. I went home and saw my father watching the cowboy and Indian shows, and the cavalry were heroes for killing Indians. And I'm wondering, where in this society are we going to say, human life is valuable-- each human life is valuable-- regardless of what this person has done? Where are we going to say that it's more important to try to rehabilitate?

- Belinda, you want first crack?

- I'm not saying it's not important to rehabilitate. My response is that somewhere along the line, at least in my experience, there has been some attempt to rehabilitate that individual, and it's failed. And therefore, my belief is the value of human life, or at least my focus at that point in time, is going to be the value of the human life that the individual has taken and the value of human life that I believe that the person on trial will take again.

- [INAUDIBLE]

- I guess my thoughts are two. One is that I don't think either side kills dispassionately. I think that there's passion, anger, running around everywhere, that we're angry-- I am angry about being hurt. The problem is that I shouldn't be allowed to act on my anger any more than the other guy shouldn't have been allowed to act on his anger, that what we all need is to get help to get what's causing our anger to be dealt with and fixed.

I was struck by the execution of Johnny Garrett last year because it followed where I live in Austin, and there was a child there who was murdered in child abuse. And I had known the story of Johnny Garrett in very much detail, and he had been so brutalized as a child and all through his childhood that he had multiple personalities, which were common understand is what happens when you brutalize somebody.

And it was clear to me that if this little child in Travis County who had died as a victim of child abuse had not died, had lived, that probably he would have grown up to have been as crazy as Johnny Garrett was. And that somewhere along the line, we decided, OK, now, you had a birthday, and so you're bad.

But he was just as crazy inside. He was still that little kid who was being abused. And we didn't ever deal with what had happened to him, and I don't know if he could ever have been well enough to let loose. But I do know that there are some people. Elisabeth Kubler-Ross, for example, is doing wonderful, wonderful work in dealing with people who have suffered so badly and grief therapy and working with that stuff. And I think that, as a society, we can get a whole lot better by going in that direction than in the direction we're going.

- One of the most positive things is victim interaction, people who have been victims of crime interacting with people who have committed crimes. But the dilemma that I have here-- and I think I've tried to be fair to everybody, but I have very strong opinions about capital punishment.

As far as I'm concerned, it's just another body, and we already got too many bodies. And I don't know how you can do capital punishment without increasing the body count. And what the hell has that got to do about increasing the value of life? Sir.

- OK, what she's talking about is, with a war-- that's legalized murder, with the cowboys killing Indians, legalized murder-- about the death penalty is just legalized murder. When we look at it, you're talking about-- a moment ago, Jude said about the popularity of the death penalty.

Well, as a Native American, I'll say that the death penalty has never been popular with us. Look at the origin of the death penalty in this country. When I was a child, I read that just to be Native American-- man, woman, or child-- was a capital offense in many states in this country, and that Abraham Lincoln signed the death warrant for over 60 Sioux political leaders, men and women, because for political purposes.

And their trials lasted an average of 2 to 5 minutes. When the capital-- for all those saying that Native American people are bloodthirsty people, the capital Crimes Act was passed and put on the death penalty and federal law, federal jurisdiction, over Native American people because we would not execute a murderer.

Right now, Leonard Peltier is in prison, convicted the murder of two FBI agents. He would be dead today if those killings had not occurred on Indian land. And Leonard Peltier's case has come to light that the FBI lied. There's been Columbia Law Review, a federal bar review. Both documented that the FBI lied about the ballistics test, that his gun did not kill [INAUDIBLE].

- Excuse me, Leonard will be interviewed again on my radio program in a couple of weeks, and we'll get into that at that time. I've only got minutes left, and I got a gentleman with a microphone. I appreciate all of your sentiments and your political perspectives, and the gentleman speaks the truth. There has been capital punishment passed on his people all over this country with a lot less due process than they even get in Texas courts. Thank you. Yes, sir.

- Ms. Hill, I'd like to ask you what role do the victims play, or the family members who have survived the homicide, play in this decision to pursue the death penalty or not? I mean, even if it's against your personal beliefs at a point in time, your gut instincts and the district attorney's giving you that discretion, if I as a family member say, I want full retribution. I want you to pursue that death penalty for me. Will you do it?

- No.

- Why not?

- Well, part of the reason that we have the chain of command, so to speak, is to, as best as humanly possible, is to ensure some kind of uniformity in seeking the death penalty so that our office won't be accused of seeking the death penalty only on Black defendants or only on Hispanic defendants and that sort of thing. So, first of all, that's one of the reasons for the chain of command.

But also, in terms of the decision that we make, I think oftentimes, if we left the decision not just in capital murder cases, but in any case, up to the victim, they're always going to want the maximum most of the time. And so part of the recommendation that we make in plea bargains are part of the decisions that we make and seeking the death penalty is for uniformity based on the facts and circumstances of the case.

And also a very important thing that goes into our decision is what we think a jury will do. Since we understand we're servants of the county. We're public servants, and when we stand before a jury, we hope that, based on the evidence and the facts, the jury will see it that way. But in terms of the recommendations that we make, we do so based on the law involving the case, and we also do so based on the evidence and also on what we think a jury will do.

And so, often, if we have a family member or someone who says Ms. Hill, I want you to seek the death penalty in that case, and I've made a decision, and we've gone all the way up the line, that's not going to happen. Then we'll sit down and explain to them why. And, hopefully, they'll agree, and if not, then we do what we think is best in that case.

- Danny, I'm going to cut you off because I'm out of time, and I want to leave you. I came-- George. I'm sorry about that. We've just run out of time. This is exciting. I appreciate your enthusiasm about our discussion, but I came home with Injun Joe. Remember Injun Joe?

We'll go out with Hammurabi. Hammurabi wrote the first code of laws-- an eye for an eye, and a tooth for a tooth-- not as a code against the offender. It was a code to control the obviously unrequelled revenge of the offended. An eye for an eye was a liberal movement to stop the taking of the whole head. A tooth for a tooth was a liberal movement to stop from taking the whole head.

Justices had always more difficulty controlling revenge than the crimes against revenge be taken. Thank you very much for listening.

[APPLAUSE]

- [INAUDIBLE] participating in the program today [INAUDIBLE] comments and observations in person. I'd like to point out that at 4:00, we will be--

[INTERPOSING VOICES]