Texas After Violence Project

Interview with Jude Filler

Date:	November 19, 2010 & November 26, 2010
Place:	Austin, Texas
Equipment:	Sony mini-HD DV camcorder; Sennheiser external microphone
Recorded on:	Sony mini-DV cassettes
Interviewer:	Maurice Chammah
Videographer:	Celeste Henery
Transcription:	Kimberly Ambrosini-Bacon
Reviewed & edited:	Kimberly Ambrosini-Bacon

HENERY: We got this new camera so some of us babies are still working out the kinks.

CHAMMAH: Learning it.

JUDE FILLER: I don't know if I consider it huge or itsy-bitsy.

HENERY: This camera?

CHAMMAH: It feels big to us.

HENERY: The other one was—

JUDE FILLER: But then people used to use gigantic cameras. It would take a muscular he-men to carry.

CHAMMAH: I think that's loud enough.

HENERY: That's good, yeah. Okay.

CHAMMAH: All right, well we're here— What's the date today?

HENERY: Today is the nineteenth.

CHAMMAH: So we're here on November nineteenth at the home of Judith Filler in Austin, Texas. My name is Maurice Chammah and I'm doing the interview and Celeste Henery is doing the videography today. So I guess if you would like to just tell us a little bit about where you're from and your general background.

JUDE FILLER: Where I'm from, well, I've been in this house for about twenty-five years but that doesn't make me a Texan.

CHAMMAH: Yeah.

JUDE FILLER: I'm originally from Ohio and I was a child of the sixties so I traveled around the world a lot. I did a lot of different jobs. I was a university teacher and I was a newspaperwoman and I did all kinds of things and I ended up as one of the first women corporate executives in America and I moved to Texas when American Airlines left New York City. They invited me to be the transition team, the planning function for some of that big move so I found myself in Texas and it was real culture shock for me and I hunted around for community. I tried. I took classes at the university in the evening, joined the Sierra Club and the National Organization for Women looking for like-minded people and someone said to me something about—

Actually I think I had a visitor from Saudi Arabia and that was a pretty unnerving event for a single woman to have a single young man visiting from Saudi Arabia. There was a lot of potential for misunderstanding so I called around and somebody hooked me up with someone at the Dallas International Society and he helped me be the welcoming committee and I think in the course of conversation, this fella mentioned an Amnesty International group. I was a member of Amnesty International but I didn't know there were groups and he said, "Oh yeah, it meets at the university or somewhere," It met at the Unitarian church. So I went and I joined that group and as far as community went, it was like a nut and a bolt; it fit perfectly. From that group, then I sort of had this double life. By daytime I was a corporate executive for a big American corporation and at night I was working with human rights issues.

We got a directive from the office in New York telling us that we needed to bone up on death penalty because it was going to happen again. We were in the middle of that moratorium that went on for a number of years and it was going to be reinstated and we needed to be prepared because typically one is not allowed to work on cases in one's own country as a member of Amnesty International. The only exception to that rule in the organization was U.S. death penalty, especially Texas because Amnesty International recognized that the government in the state of Texas would have no interest in and would not in any way be influenced by international pressure. So we were told to learn about the death penalty. We didn't have a clue. I didn't know anything about the death penalty. I'd never even heard of the death penalty. This was about 1984, I guess. So we assigned the one guy in our group who was a seminary student— We figured a seminary student ought to be able to learn the pros and cons of this and bring us the— And that was the beginning of a couple of years of study and kind of— It was shocking to us. It might have been earlier than eighty-four.

I kind of forget what happened when, but in eighty-six, I left the corporate world and I went to work as a full-time volunteer for Amnesty International as a regional organizer and I traveled all over Texas organizing student groups. Then after a couple of years I needed income again and I got a job here in Austin running a— as executive director of a non-profit for Texas Human Needs. That was a fairly easy move for me from international human rights and having been a corporate executive 'cause I couldn't get corporate jobs. I had made too much money in the other job and nobody here would hire me. They were convinced I'd never stay and I couldn't get non-profit jobs because I'd been a corporate executive. So the combination of the international human rights work and corporate skills and the M.B.A.— I was one of the first women in America to have an M.B.A., got me this job running a statewide coalition for Texas Human Needs and it was mostly concerned with health care and homelessness, and hunger, but with my background with Amnesty International, I was able to bring the connections for prison rights and immigration rights.

And then when I was moving here, Amnesty International said the guy who is our state coordinator for our Texas Campaign Against the Death Penalty is getting his Ph.D. and moving away and we need a statewide coordinator and you're moving to Austin. Will you be our statewide coordinator? I said, We've talked in our group about death penalty but I don't really know very much about it. What do the guys on Death Row in Texas say about your campaign? And they said basically, "Huh?" They may have actually said, "Huh?" They had this campaign to end the death penalty in Texas and had never made

any contact at all with the guys on Death Row. And I said, You know, I don't think I could take a job running a campaign for people who've never been asked how they feel about it. Is there a way that you can arrange for me to meet some of these guys? So I had had an interim office while I was in the two years between the corporate job and the job down here, or three years. I don't remember. I also had a job as the executive director of the Dallas Peace Coalition, which shared offices with a thing called the Justice and Mercy Project, which was a young couple who did Christian ministry to men on Death Row. So they arranged for me to get on a visiting list for a couple of guys on Death Row and the two people that they thought were the most articulate and would be the most interested. And I went to Death Row with the woman from the Justice and Mercy Project and met with these two guys and based on our conversation, I accepted the job as the statewide coordinator, which I did as a second job as a volunteer for the next ten years after my daytime job as the executive director of this other organization. And in that role, I got to know well probably thirty or forty men who were ultimately executed and many of their parents and families, wives.

One of the two men whom I visited that first day was actually sentenced to go to Death Row for a crime committed here in Travis County and one day, I was just— it was a Sunday, I was just sitting around on a beautiful day like this, just kind of drinking a cup of tea and thinking and the phone rang and it was this man and he was here for retrial. For the next almost three years, he was here for a very famous and complicated case, and so in addition to seeing a person once a month and having to drive four hundred miles, he was here and I talked to him every single day. In those days, the phones were not difficult for prisoners in Travis County jail. He could call me collect for thirty-five cents and there was no time limit. Now, it's probably three dollars for a three-minute call or something but then it was virtually limitless. He could pay the other men in the cell block with his popcorn or his coffee rations or whatever things that were currency there to give him their phone time and he could literally be on the phone with me for hours and also it would save his family a lot of money because I could get his mother on three-way and then just leave and he would talk to his mother for hours. Otherwise he would have to call her collect to Dallas and it would be very expensive for her. Now you can't do that because they've put a do-hickey on the phone that cuts the prisoner off, kills the call if the third party tries to forward the call, although he was a very clever man and he figured out that he could ping on the phone with a pen, a ballpoint pen, while I was forwarding to his mother, the next time he was here, 'cause he lost that trial and went back to Death Row and then seven years later or something like that, he went through a third trial so he was back again.

But the first time he was here, he had two best friends on Death Row. One was the other man I had met the first day and the other was a man who had been his cellmate during a period when they had to have cellmates and these guys wanted to write to him but Travis County, I guess, had a rule that a prisoner could not receive mail from another prisoner. So he asked me to accept letters written ostensibly to me and then I would forward them to him. So it would be mail from me to me being shared with him and the mail people at Travis County jail would let it go through. So these two other men began to write to me and we became very close friends and pretty much for about fifteen years, those three guys became my partners in this work. The two guys that were still inside while he was

over here founded a newspaper for people on Death Row and subsequently when that was taken over by some prisoners that they felt were not collegial, very self-serving and not honest, they quit that paper and started a poetry magazine were the men in the newspaper, which was a regular newspaper, it looked like a newspaper, it folded like a newspaper, it was called *The Endeavor,* there were articles that had bylines. But these two guys who pushed the other people out took to plagiarizing other people's work and putting their own bylines on other people's efforts. So the poetry magazine, all the work was unsigned so that nobody could do that. It was all anonymous. So I worked with those guys on that and then with the prisoner who was here, was in fact David Powell, we did a lot of work because he was a very, very committed social activist. He and one of— the first fellow I met imprisoned with him, James Beathard, also was. James had been a sociology student before he was arrested and James had pretty serious claims of innocence and was a very, very, very active press hound. Every Wednesday when the press came to Death Row he would engage with them and he was very bitter when he lost his fight, that the press people had not supported him after years of knowing him and because he was innocent. The third man became a social activist.

I won't use his name because he's still there but when he went to Death Row, he was just barely eighteen and he was illiterate. He had been pushed through the Houston school system without ever learning. He came from very difficult circumstances. His mother had a number of children by a variety of men and at the time that he was born, she was with a man who was not his father and who would not have accepted him. So she made arrangements to put him out for adoption to a neighbor who curiously had the— The neighbor's name is the same but spelled differently. It was really interesting and the neighbor's common law wife at the time was I think a relative of hers. So even though he knew who his mother was and always had a relationship with her and with his siblings, he lived in a different house and had a slightly different name and unfortunately the man that he called father was extremely physically abusive and put him to labor from the time he was about four so that when he started school, he was exhausted all the time. He never had any capacity to learn, to read, or do numbers because he had to sleep in school and the minute he came home from school, he had to slop the hogs and exercise the horse and clean the house, and whatever work this man had him do. And he's very smart but he was utterly illiterate and Mister Powell discovered that early on. They had about ten years difference in their ages and so at twenty-eight, Mister Powell who had been top of his class, valedictorian in high school, Plan Two at U.T. with a double major in math and life sciences, a physicist in his spare time just for fun, found himself here with a very, very smart young Black man who couldn't read or write or do arithmetic. And he went about engaging him and the other man asked his brothers, "What's with this white dude?" And they said, "Oh he's different, man. He's cool." I've heard this from a number of people. It wasn't Mister Powell who told me this story.

So one day— it's very hot there. They have no air conditioning. Mister Powell told me that he had had a nurse bring a thermometer to his cell and it clocked in at one hundred and thirty Fahrenheit. And he had a mother who sent him every month the maximum that a prisoner could have for discretionary funds in their account for buying sodas or toothpaste. They didn't even have toothpaste. If you didn't have the money for toothpaste, they would give you this— I don't even know what it's called. It's a sort of gritty powder that you would put on your toothbrush. Tooth powder of some sort. So one

day the other man is in his cell and a hand comes around from the cell next with a Coke and he takes the Coke and a while later, the hand comes around again and it's got a magazine and the man says, "I thought you might enjoy this article." So he told me, he says "I didn't know what to do with it because I didn't know how long it would take a person who could read to read the article. But I put it under my bed, my cot, and I just lay there for awhile and eventually I handed it back around with a "Thanks." In those days, in exchange for being able to work slave labor in the garment factory, the men would be allowed an hour in common-room once a week. If they were really good they'd be allowed to watch a movie on television and they could socialize to some extent. Now of course, they have twenty-four/ seven solitary confinement but in those days they worked in a garment factory three hours a day if they were willing to. They liked it because it let them be together some and then they would earn these benefits and in those days, I think they also had— they did. They had communal rec. time. They could play ball a little bit, they could— Mister Powell challenged Mister Beathard to learn to juggle and sent away for some little balls they were allowed to have. In those days they could have art supplies, they could have these little I don't know what you call them, those little things that the kids kick.

And Beathard was quite plump and not the most coordinated guy on earth but he struggled and he learned to juggle just so he could win the bet. But once he learned to juggle, many other men on Death Row decided they needed to juggle. So they told me how funny it was that you'd look across the rec. yard at these hardened criminals, most of them murderers, and they're all juggling little balls. I mean he was good at that, Mister Powell. He at one point decided to learn needlepoint. He was extremely loyal to the two women who were the loves of his life and he wanted to— I don't know much about these things. I think it was needlepoint. He wanted to make the little, a little sewing thing that would have a heart or something and then say, "To My Love," or something like that. I don't know. I don't know what they were. I do know, and I actually saw them because when he came back here for the trial, one of the things he asked me to do— He gave me these two things and asked me to find these two women and give them to them and it was a terribly, terribly painful thing for him that they refused them because all these years he had been holding strong, ten years, to his beloveds and those ten years had been a torment to him, what they had all gone through to— the murder, the trial, the imprisonment, the separation, the interrogation. One of them had gone to prison. One of them had not but was afraid she would go to prison and it was just too, too hard for him. But anyway, he learned needlepoint and then you saw all these hardened criminals, murderers out there doing needlepoint during rec. time.

But anyway, I got very close to Mister Beathard and as a result close to Mister Beathard's mother. I organized speaking tours for her around the state because I found that the traditional way that we had been approaching public education had been prosecutorial debates and it didn't work. I could go into a debate with a prosecutor and I remember one in particular that I did at Austin High School. The students had invited me to debate a young prosecutor and I went in and he spoke first and I took notes and he outlined twenty-two reasons to be against the death penalty. I mean the way he talked, he said, "You know, some people say that the death penalty is cruel and unusual punishment, but here, blah, blah, blah." And I'd write down he said it was cruel and unusual punishment

so when I got up I said, You know he just gave twenty-two arguments against the death penalty and I recapitulated all the arguments that he had brought up with the details of the side that he had been arguing against. And what I'd noticed was the people who had come, the kids, they were seniors who had come into the room questioning the death penalty were impressed by my arguments and the ones who had come into the room being pro-death penalty were very angry at me and where— Nobody changed their mind from this but if I took the mother of somebody on Death Row and the mother of somebody who had been murdered somewhere and that mother didn't want her kid to— the mother whose child had been killed didn't want the other mother's child to be killed, people were open. They would listen and then it would make a difference. Or once I was doing a talk in Sherman at Austin College. I think that's in Sherman, isn't it? And I just read a letter from Mister Beathard and afterwards some man came up to me and he said, "I wept. I don't want to kill anybody who can write like that, who can write about feelings and write about humans. That person isn't— I've always thought that a person like that was an animal who had killed somebody and that he must have killed somebody if he was on Death Row and I don't know if he's innocent or not but I don't want that man killed. I've changed my mind."
So after that, I stopped arguing at all. I just brought letters. I just read letters from Mister Beathard or the other man that was my main correspondent, or many or the other thirty guys who corresponded with me 'cause as the chairperson of the Amnesty International Texas Campaign Against the Death Penalty, many men would write me and I'd write back and say, I can't be your pen pal 'cause I'm up to here, but if there's something you need, let me know. So Michael Fiefer wrote me and said, "Please contact the archbishop of San Angelo," where he had been convicted and I talked to the archbishop on his behalf to see if the archbishop would correspond with him, so I did that and so on. I knew a lot of those guys pretty well. I didn't usually visit them because I didn't have time. I would go out and I would see Powell and Beathard when they were on Death Row. It's a long drive and in those days I was making it myself. And when he was here, I visited Mister Powell and I guess I visited Kathy— it'll come to me what her name is. She's still alive. Occasionally we would write. I've never gone to the women's prison. So you can ask questions. I mean that's kind of— You kind of asked about my background. That's where I came from and how I got here.

CHAMMAH: What was— What changed about your relationship with Mister Powell when you went from mostly talking to him on the phone when there were sort of this unlimited thing to where there was a lot of face time? Was there a big difference between those?

JUDE FILLER: Well in Travis County Jail, you only get twenty minutes once a week, so most of it was on the phone. I had the opportunity to have contact visits once a month with him for probably twenty minutes and that was different. I never got to have a contact visit with anybody else but you can't be on the phone for a thousand hours and not have a pretty close relationship. So at some point, we went from being just colleagues to being best friends in every sense of the word. There are people, women, who marry men on Death Row and they are almost universally disrespected and I don't really understand that. I think it's just that people are weirded out. It's so

different. How can you be married to someone you can't ever be with? Let me just tell these folks to— There are going to be people working here.

[break]

So the fact is Mister Powell was my best friend. I had other very, very close friends. I had boyfriends, but when people are in that kind of situation, they are capable of focusing a great— if they're not supremely mentally ill. And I didn't know Mister Powell when he was insane the first time. Mister Powell was a profoundly addicted speed freak and he had methamphetamine psychosis, I'm told. And the people who knew him before the methamphetamine psychosis love him and admire him with the same intensity as the people who knew him after he had methamphetamine psychosis. But the people who only knew him when he was crazy were scared. Methamphetamine psychosis is utterly curable in the absence of methamphetamines so when I knew him, he was not only cured of that condition, but had had a great deal of therapy because he did a hunger strike and was taken off of Death Row and put in the prison mental health facility for quite awhile and they taught him meditation and they taught him all kinds of things that he not only practiced himself but helped other men on Death Row learn. There are numerous people on Death Row who are either or both retarded or severely mentally ill. Mister Powell and Mister Beathard and my other friend were not and those people are locked in a cage with very little to do. You get a lot of attention from them when you're their friend, much more than you would get from the best spouse in the world out here. There are famous, famous, famous love letter stories in the world. There are a couple of English people, I forget their names, whose love letters are published. In England, they used to get mail delivery three times a day. You could write home if you were going to be late for dinner and those letters are powerful, powerful things. Having a correspondence with a not mentally ill, not mentally retarded, good person who is incarcerated can be an extremely profound relationship. I made a mistake that when we got very, very close we had a fling. How can you have a fling with someone who's in prison? It's all mental and because of that fling on the telephone, I was never able to testify on his behalf because his attorneys believed that it was possible that there could be tapes around or that somebody might have been listening when we were being emotional on the telephone. It was a brief period and it was because I was naïve about the prison system and the jail system and I thought this guy's been, at that point thirteen years, in a cell. He's feeling totally bummed out about having lost his youth and his life. We were both the same age. We were at that point forty years old, and I thought what's wrong with a cheap thrill for today? Today we'll be alive. He'll be alive today. He won't feel terrible. I remember the day that I put a little perfume on a note I sent him and he said he walked around the prison that whole day, the jail, the Travis County Jail, with this thing plastered on his nose. The hug we got to have in the half a dozen contact visits over the course of twenty-three years that I was his best friend, they were important to him beyond measure and they were important to me but I would have never, ever, ever had done it if I had known that it would have cost him his life and it might have done. Maybe if I had been allowed to testify, I could have said something to the jury that was so close that they would not have sentenced him to die again. I had no idea. I was so naïve and so I certainly never, ever after that did anything to give anybody the impression that we had a close personal relationship. When

he was executed, I was at a Quaker meeting in Ohio and I was grieving hard and somebody that I know occasionally from these annual meetings said, "How are you doing?" And I said, I'm grieving hard. My best friend was just executed. And she said, "Oh, I'm so sorry." And I don't know, I said something about how horrible it was and she was startled and she said, "I didn't realize that this was a love relationship." And I said, Well how can you be best friends with somebody for two decades and it not be a love relationship. I didn't know anybody who knew David Powell and was his friend who didn't love him. People respected him more than anybody I've ever personally known. People referred to him as Christ-like and Buddha-like, and not just prisoners on Death Row. People on the outside, highly respected people who are not naïve or idiots and I was surprised to learn later from another person that this friend reported to this other person that she had lost respect for me because all these years she thought my work against the death penalty had integrity and now she realized it was self-serving. I was like, What? But I realized that she had transferred me in her mind from this human rights activist to one of those crazy women who are married to men on Death Row. And it's one of the bitter conundrums of this work that people see it that way, that they don't understand that— I mean if I had my way, if I were queen of the world, I've never figured out how to do this, but I would sentence people to go through Death Row without ever having executions because the experience of Death Row is so transformative— not the mentally ill people and not the mentally incompetent people, but the others, the ones who are confused about the nature of the world because there is a segment of the population who are scary, dangerous, evil people, maybe psychopaths. I've known a couple of psychopaths. I never ever would want them released but the large, vast majority of those guys are either mentally retarded, mentally ill, or they can learn from the experience and they can contribute.

Mister Powell and Mister Beathard and my other friend desperately wanted to contribute. They wanted to make up for what they did. In Mister Powell's case, we worked on projects for ten years together while he was here being retried on two occasions. I got him access to educational programs where he could counsel young people. I did a series of interviews for him with international delegations from countries considering death penalty. We set up a speakerphone at the Texas— one of the lawyers groups and we had these international delegations being sent by the United States Department of Foreign Affairs or whatever it is, part of the State Department, would have these delegations of people from Spain and Kazakhstan and Pakistan and Peru, and they were to be judges and lawyers and important people. And they would sit down in a room next to a speaker box and at the right moment, Powell would call from Travis County Jail and have a two-hour conversation with these people. How else would they get a chance to really learn from someone who was inside, not just from politicians? He contributed to several anthologies of various things. He didn't write himself. He never wrote. Until the last weeks of his life, I never received a letter from him and so most of the people that were his very, very close friends while he was here being retried, would fall away from him when he would go back to Death Row because he never answered. They would write and send them things and he'd never answer them because it hurt too much to write. He was perfectly capable of writing; he simply didn't. He said, "How can I possibly say what's in my heart? There's too much to say. I can't do it." And I think he died for that reason. I don't think

he died— I don't think he was— I think he was complicit in his execution. I think that if he had had the— if he had gathered together the strength to be humiliated, which is how it felt to him, to do what he did in the last weeks of his life and write the apology that he wrote to the family of the man who as killed, which was a terribly humiliating thing for him to do because he felt inadequate. See if the sound byte, it was humiliating stands alone, people say that's a vicious monster, son of a bitch, all he cared about was his own feelings. You have to have both parts of the sound byte. It was humiliating because he felt so inadequate to express to them the horror that he felt for five years. For five years, he woke up drenched in sweat from a horrible nightmare every night, reliving that murder. Every night was different because he had no idea what actually happened. He had methamphetamine psychosis.

[END OF TAPE 1]

[TAPE 2]

JUDE FILLER: Just the pain was so bad. He woke up from these nightmares every night with a— This was before I knew him and he didn't tell me any of this until the last weeks of his life because we had agreed never to talk about the incident because he might have said something and I would have been— if I had been put on the stand, I would have been obligated to share whatever he said to me and things could be misconstrued. So he maintained his innocence until the third trial when one of his lawyers confessed that he had been involved. In fact, he didn't know because he had methamphetamine psychosis, he didn't even know what happened. He was so sick at that point, he couldn't drive, he couldn't see straight, he was hallucinating, he had the shakes and the girlfriend was driving. They were pulled over for a taillight was out. The girlfriend had traded drugs for weapons because he was highly paranoid and she was, too, that they were being followed by the F.B.I. or something. He had understood that he was addicted and he went to a doctor and said, "Un-addict me." And the guy gave him the wrong medicine. The guy was a quack and gave him something that made it even worse, even. And his plan had been to move with his two women friends to the country, retire, have babies. I mean he was just— He wanted off the drugs and he wanted to live a quiet life in the country. It was a scandal because he had the ménage a trios but that was because he loved them so much. He loved his girlfriend of many, many years so much. She dumped him. While he was dumped, he met somebody new and he fell in love and was very happy. The first one wanted him back. Well, he couldn't. He couldn't make that choice. He was no good at that kind of thing. It hurt too much. He couldn't write because it hurt too much. He was a man of such profound emotional connection to people that— So they were all three addicted to these damn drugs and the two of them were driving along. A taillight was out. The policeman before he died said something like, "The damn girl had shot me." So there was a reasonable suspicion that she started it. He thought at the end that something happened and he didn't know what. But his girl was in trouble. He grabbed this machine gun and started wildly shooting, the man who was known among his friends, his family— He came from your typical upper-middle class Texas family, where they hunted, that he would not hunt. He didn't kill things. Beathard was the same way. Beathard was a pacifist. Beathard was a war resister. Beathard was a socialist. Neither one of them were the kind of hardened— They weren't hardened criminals. They were students. He was there and the law of parties— Both of them died under the law of parties. There was no way that— The way prosecutors do it is that they try the weaker link first. They get a conviction and then they use the weaker link against the other one. So in Beathard's case, the guy who did it traded fingering Beathard for what he thought was going to be a lesser sentence. They convicted Beathard on his testimony, then they tried him. He immediately recanted. He got on the stand and he said, "Beathard didn't do it. I said he did it because they told me they were going to let me go." The district attorney told his jury, "He's a liar. He lied the first time. He's lying this time." Beathard was sure because this guy had recanted that he'd go home and he was so bitter when he was killed. Powell, they did the same thing. They never tried her for the murder. They tried her for attempted murder of the second policeman. Then, after she'd served whatever she served, seven I think, they said to her, "If you don't testify against him in the retrial— 'cause he assumed she's going to get out, she's going to say she did it and

then I'll be free because it would be double jeopardy. They can't try her again. He didn't understand that she had never been charged with the same murder he was charged with. I don't know how he couldn't have understood that. They told her, "If you don't testify against him, we'll try you on capital murder and send you back." And no way was she going back. So she testified he did it and his heart just broke in a million pieces, a million pieces. And for me— You know, when I was talking before about the way people don't understand, you can't be in these relationships and expect to be in the same boxes people like to put everybody's relationships in. This woman who lost respect for me because I had self-interest doesn't understand. I never expected that Powell was going to come out of prison and we'd go off into the sunset or something like that or Beathard. I loved Beathard. I love this other guy. It's the kind of relationship that exists for what it is when it is and its family in a way that isn't comparable to what people think of as family for most people. How can you feel that way for those people? I have eight siblings. I was closer to those men than I've ever been to my own siblings and David was closer to me than he ever was to his siblings. It doesn't mean I don't love my brothers and sisters or that he didn't love his brother and sister. It's just different and if some people feel like they can be married and that it has legitimacy, I don't understand it but okay. I was engaged to be married for a while over the past twenty years but it was very difficult because the person I was engaged to couldn't understand my relationships with these guys on Death Row. Puppy, you have to lie down. Is it three?

CHAMMAH: Let's check.

JUDE FILLER: Turn your stuff off because I have to give the puppy medicine.

CHAMMAH: It's three-ten.

JUDE FILLER: I have to give her her medicine.

[break]

JUDE FILLER: Relationships change over decades. The Gores just got divorced after forty years together. Relationships change. I was still young when we met. He was still young. I used to go down to the jail, walk my then-dogs down to the jail and he could see us from his cell and we'd do stuff. I had students, interns in my job who'd get to know him 'cause he'd call the office and I had to work so pass him and the kids would get to know him. The kids would— He loved being with young people so he became a mentor to a number of young people and there was one group of young women, U.T. students and they were all teensy and they went out one night outside the jail and laid on the street and traced around themselves with street chalk so when he got up in the morning and looked out, there were the chalk girls. And I used to go read my newspaper on the way to work. I'd just sit outside the jail and read my newspaper on the roof of my car and some big sheriff came down, big monster sheriff like out of a bad movie and said, "You've got to leave." I said, Why? This is a public street. I'm just reading a newspaper. "I know who your friends are in there. I can't hurt you but I can hurt them. You read your

paper out here and I'll hurt them." There were several years where I told my friends that if I were to die in any way, they needed to understand that it wasn't an accident because I was followed by— and presumably my phone was tapped. The sheriff at that time was an extremely corrupt person and I was pretty sure I was in danger. I'm bouncing around a lot as I started to tell you that when your battery was running out that one of the things we did was we made several movies together and worked on several plays, which is to say we didn't make them but we were in them. There was an entire film done about David that won a Student Academy Award by Tassos Rigopoulos and I met Tassos outside of Death Row during Carl Kinnamon's execution. We struck up a friendship and I introduced him to David and he made his thesis, which won an Academy Award, a movie about David. And the problem was that as he did the movie, developed the plot of the movie, were interviews he did with David and essentially it was principally interviews he did with me and interviews he did with a woman who was in this extremely sad group that they call Victims of— Murder Victims Not for Reconciliation, its Murder Victims for Getting Revenge. I forget the name of the group. Curiously, she died in that she and her two children were on that airplane that blew up over Long Island and here he was making this film and he had juxtaposed her comment, my comment, her comment, my comment. I mean that was the bulk of the film and then a terrible thing happened like just what happened with your battery. It turned out that the sound guy had not realized that my sound mic had fallen and I did the best interview of my life and it was unusable, so I don't appear in the film at all. He had to completely re-cut the film and change it. It still won an Academy Award, but again, my testimony was lost. David worked on that with him.

He worked on a book of photos about men on Death Row with a famous photographer. He worked on two or three plays, as did James. I put James in contact with a guy who wrote a play about him that's actually produced quite often. Coyote Offense. And the girls who became such close friends with David were very, very, very close to him and the one who was the closest died tragically in a drowning in El Paso a couple of years after she graduated from U.T. He did a lot of work with several ministers. One of the things that he said to me early on is, "I want to help people who have lost family members to murder." And so I just kept my eyes out. I sold my computer to a woman and we got to talking and became friendly and it turned out that she was a survivor of the murder of her brother or something like that. I forget about who the relative was. So I connected her with David and they did a lot of work and then she was felled by a stroke. And there were a couple of other people whose family members were murdered and I would say to them, Look, I don't want to pressure you but if you would be interested, if it would help you to meet somebody who has murdered somebody, I can arrange that. And nobody ever said, "No." Typically, people would say, "Oh, let me think about this." And then they'd think about it and they'd say, "Yes." And then they'd go and they'd meet David. They'd get on his visiting list. They'd visit him. They'd have a phone call and then they'd visit him. He became close personal friends with several people and other people he'd have several meetings. One woman was so turned on by the whole discussion that she got a grant from the Catholics and wrote a book on forgiveness and when her mother's murderer was being executed or retried or something like that, she went and testified on his behalf although the rest of her family was there demanding his execution. So we did a lot of work together. What happened to us was I was felled also and on the

day that the jury in his second trial sentenced him to be executed, I suffered a trauma that crashed my immune system. I mean I felt it happen; it was bizarre.

I was with Norma, the young woman who was drowned several years later, weeping. We couldn't believe it. It was the most traumatic experience either of us ever had. We wept solidly for about twelve hours just in such shock. David's mother, when they announced he would be executed, rose to her feet screaming with a wail that was so unreal, so inhuman and fell to the ground unconscious. I think her heart stopped. They took her away in an ambulance and brought her back but she was never after that allowed to go into a courtroom again. I'll never forget the sound of that wail. And we were in shock. We went back to Norma's little apartment and sat on the floor weeping. We just fell to the floor and we wept 'til long past dark and something happened to my immune system. Over the next six weeks, twelve weeks, I lost thirty-five pounds although I was eating. I started going to doctors and I knew something terrible had happened and I went from doctor to doctor and they'd say, "I don't see anything wrong with you. You look great." And then— I was forty-three. I stopped having periods and what happened as it turned out was that in the crash of my immune system, I lost all that weight and its like the women in concentration camps when they lost all that weight so fast go into menopause. So I went into menopause about twenty years early for my family and I got cancer that day. Because what happens, it turns out, is that all of us pretty much have cancer all the time and our immune systems run around cleaning it up, but my immune system crashed that day and for the next twelve years, I got sicker and sicker and sicker. David saw it right away. He said to me, "If I had known this would do this to you, I would never have asked you to make me part of your life the ways its been." He said, "Something inside you has broken and I'm afraid it can never be fixed." He could see it. Shortly before he died, the day he died, he said to me, "Jude, when I said that, I thought it was spiritual. I had no idea it could break you physically." So for twelve years I went from doctor to doctor to doctor because I kept being sicker and I didn't just lose thirty-five pounds, which eventually after I went into menopause, I gained back three-fold. I was so weak and I sick all the time, horrible, horrible head aches and it was about twelve years, which is average for the kind of cancer that I was finally diagnosed with, 'til I was diagnosed with cancer, very, very rare form of cancer that by then it was— It's not easily detectable. Doctors knew I was sick, they just didn't know what was wrong and by the time they did it was already stage four so it's not in any way curable nor at the time was it treatable. Nobody knew how to treat it. Since then I have found doctors who did a lot of surgery and I wear an— it's an insulin pump but I don't have insulin in it. I have chemotherapy in it and I just get it all the time and the belief is that maybe it slows the growth of the cancer. By then, I was disabled. I couldn't work and I had to leave my job or any other job because by then it was a full time job just as they had [inaudible]. And David, as a scientist, was the person who did all the reading about— He was back on Death Row when I would send him articles and he would read them and explain them to me what the articles said. But I couldn't do my job and I couldn't work against the death penalty anymore and I stopped doing those two things. Basically for the last nine years, I've just been going to the doctor for my job. I've started a group for people who have the cancer I have and I've done other work, but except for David and my one other friend, I haven't done— and a little work in the Quaker meeting where I'm a member. I haven't done any

more death penalty work. It got to the point where I was so sick and I'm not so sick now. I mean I can do much more now since— in 2009, two years ago, well a year and a half ago, I had a lot of surgery. They took out half my liver and some of my intestines and my gall bladder and part of— They actually opened up my spleen, took some stuff out, put it back together, which is unheard of. And then nine months after that, they did a lot of radiation in my liver so I'm much more— I can stand up and talk to you and stuff today. Three years ago, I really couldn't. Three years ago, if you looked at film of me, even two minutes of film that was done nine months ago, a film about David Powell to try to stop his execution, you see a really sick woman, much different from how I look now. So it got to the point maybe four years ago when— well five, six years ago I couldn't drive anymore to Death Row. At that point, friends of mine and Quakers began to drive me and all I could do— and they have no telephones there and he doesn't write. So at that point, it basically boiled down to me writing him, me sending him stuff, and me getting a ride once a month to go see him. And four years ago, he went insane. The pressure of it all, he was removed to the diagnostic unit for some weeks. His lawyer was able to get a psychotherapist for him and he was very, very, very, very mentally ill for some weeks but he was able to come out of that. He was returned to Death Row. And I had become a practicing Quaker. I had gone for ten weeks to a course at a Quaker school in intercessional prayer. I was never in my life— I had spent most of my life as an agnostic or even an atheist and David was a dyed-in-the-wool atheist. But I had had for about the last ten, eleven years, I had been going regularly to Quaker meetings and I had had a sort of vision that had convinced me that I needed to be a Quaker and so I began going to Quaker meetings and I went to this Quaker school and took this course in prayer and I began to pray for help because I couldn't be what I had been to him and I couldn't do what I'd done for him or for anybody else and my prayers were answered. One day, he said to me when I was visiting him, that somebody had written him who was writing a screenplay about him who had been a young person in Austin when he had been incarcerated, and had written him a letter saying she had never forgot his case and was writing a movie about it and could she correspond with him or see him. Well he didn't correspond so that was out of the question but he wanted me to investigate her to see if she was legitimate or would she be sympathetic or would she be antagonistic or could we trust her.

So I contacted her and I met with her. I spoke to her on the phone for a while then I had a meeting with her and she was the answer to my prayers. So I introduced them and during the next two years, as I got sick to the point of death, she became his best friend to the point that at the time of his death, they were in love. And it was difficult for me. I had been the main person in his life until then. I had always been the one responsible for his affairs and she took all his affairs over. He thought I was dying and he I think rationalized that it would make it easier for me. It hurt terribly. It really hurt and we discussed it but it did make sense and I understood it. I had been absent for eighteen months, pretty much. I had been in the hospital at death's door or recuperating. For eighteen months, I had seen him five times in eighteen months. Also, as I got sicker, it became more and more impossible for me to bear the heat of summer here and for the last four years, I've gone away initially for two months, then three months, and then last year when he was killed for four months. So between being away for the summer and in the hospital or dying,

'cause I was dying, I'd seen him five times in eighteen months. I really had to look at that and thank God for her because not only did she use all my visits, she used all her visits and because she was coming from California, her visits were twice as long. So in this terribly difficult part of his life, the last eighteen months of his life, he had three times the visits that I would have been able to provide by somebody full of energy with terrific skills in filmmaking and other things he needed. So that was all good but I had double the grief. I had not only the grief of losing my best friend, but the grief of losing my place in his life. It was kind of like somebody who'd a really good marriage and then was dying or their spouse died and right before their spouse died, they got divorced. It was kind of like that, but it's not like that and it's not comparable and it makes it hard. In terms of emotions it's important, I think, but it's not— It really gave me a new understanding of how deprecated those women are who do marry people in prison or on Death Row because people think they're stupid or crazy and it just means that they have a different experience than we have and we're not big enough to appreciate it. So then we went through the execution thing and one of the things that's very, very, very important understand— As much as almost anybody else who's not allowed behind the wall, I know as much probably as anybody else about Death Row from a visitor's point of view and I know very little because they don't tell us how horrible it is. As much as they do tell us that's unspeakably horrible, they spare us the worst because they are afraid that if we were to know what actually happens back there we would leave them. We would say they are animals. I know things about people on Death Row back when they were in Ellis Unit. I know a man who had to back himself up to the bars every night to be fucked through the bars by the trustees in order to survive, ass-fucked. Now if I tell people that, they'll say, "You see, they are animals." But he had to do that to survive. Had he not done that, they'd have cut his throat and I don't mean that metaphorically. One other man was so moved by that horror that he made a shiv for that man and gave it to him and said, "When they come to fuck you, cut them so they'll leave you alone." Well, does that make him an animal? It would in the eyes of so many people. That man was a boy when we went to Death Row and his friends told him, friends who'd been in prison, because most Black men in Texas, and when I say most, I'm not exaggerating, have been in prison or have a brother or an uncle or a father who has been. And they know that there are only two choices for a man in prison. You can be the bitch or you can be the person who controls the bitch. I don't know what that person's called, I forget. I have known. I forgot. So when he was going into prison, his relatives told him, "You go in there and you cut people because if you don't, you'll be the bitch." Well, they probably shouldn't have told him that because when he went into prison, he defended himself right off the bat and it's on his record and it makes him look like a violent man and he's the least violent person on earth. He's a poet. He's a painter. But he had two choices. He could go in there and make it clear that nobody messes with me or be messed with in ways that are inconceivable to us out here. I mean inconceivable. Now I can tell you some of those ways but I really don't want to but if nobody is, I sure wish they would so I'm between— I'm of two minds and there are five hundred minds and the five hundred who have died already never talked either because they don't want us to know what it's like in there. People do things to other people with urine and feces that are unspeakable. The prison feeds them things that are unspeakable, but I'm sure you've heard about the maggot-filled, rotting pancakes, cold, filled with lard-laden, rancid peanut butter that they get

when they're on lock-down. They don't tell us because they're afraid we'll leave them if they tell us, and you know what? A lot of us would and they have very little support. Most of them don't have relatives who will visit them because they've shamed the family. Even if they're innocent, most of them as far as their families are concerned have shamed them. What else can I tell you?

CHAMMAH: Do you have anything you'd like to ask specifically? I don't know if you'd like to talk a little more about the execution and what that was like.

JUDE FILLER: Ah, see, the choo-choo went off the tracks because, boy, is that an ugly set of tracks. So, it's very difficult to talk about the execution without profanity. I remember the people that I attended David Powell's execution with almost like it was some sort of brain meld, commented on the evil of mediocrity. The guards, the chaplains, the wardens, the padre, they each have a tiny piece. By doing a tiny piece each, it can happen. If any one of them had to do it, it wouldn't happen but by kind of carrying each one their bit of flag, they can perpetrate an atrocity, the banality of evil. The banality of evil. I think three, four different people quoted that to me that day. They rounded up the witnesses who were going to see David executed, not the ones who were the family. The family and the press and all those guys get a whole different treatment. They're herded in a different way to a different cell where they watch through a different glass. Our group, me, David's for want of a better word girlfriend, his psychiatrist, his spiritual advisor, bless her, there's one other person who I'm forgetting 'cause that would be five and we were six, I think, were herded into a little room where we would be told the drill. And it's perfectly understandable that they need to tell us the drill. It's the way they do it that is so demeaning and they are so unconscious of it. One of these so-called chaplains, that's their title, chaplains, is practically— I mean he's getting high on the thing. It charges him up to have power over us, so he threatened me. I was on the phone with David trying to give him the last couple of phone numbers of people he could call to say goodbye to 'cause he's in another room on the telephone trying to call his family and friends to say goodbye. And this guys says to me, "Look, if you don't get in right now, you're not going to be allowed to the execution." Now, he has power in that. That's what he likes about it. The fact that I'm thinking to myself, You miserable twerp. Who the fuck do you think you are? Inane in your cheesy two-bit polyester black suit that's greasy and shiny. You speak poor English. You've never been out of this community. You have the worldview of a cockroach. See I can think that and protect myself and have my power because he's got his power over a grieving person who's dear friend is about to be murdered in front of her eyes. And so instead of it actually being anything spiritual, or giving, or loving, the way a chaplain would treat a friend who was losing a dear one, the way a dear one would feel about a chaplain. When I held my father in my arms here when he was dying and a chaplain here stroked my shoulder and I was so grateful and thankful. There's none of that there. It's bullshit. Do you understand? I don't want to think the things I was thinking about him. Why the hell is he behaving to me the way he's behaving to me? It's because it's all about power. Surely it's not about any God I've ever heard of and he's supposed to be a man of God. What kind of God does he have that would allow him to take part in this? So then the other men of God are giving us this

routine about how we're going to march from here to there, we're going to do this and we're going to do that and we better be in lock-step or else and all we're able to think about is why are they taking precious minutes away from us being with David? And the fact that they're going to kill him. They have no interest in actually producing any comfort for us because their imaginations are too small to understand what we're going through, apparently. Either that or maybe they have wonderful imaginations and they've been so desensitized from going through this routine a thousand times, literally, that they can't in any way relate. So then they march us out. There was a lot of endless waiting and then they tell us David's gone to this little room now and we have to go.

So we go and they march us. I'm in a wheelchair by the way because I was really— At this point my health was such that I couldn't walk for more than a few paces at a time and my friends had insisted that I— I mean I certainly couldn't have walked the block from there to the prison or the block from inside the prison from where we were to the execution chamber. So my friends had said, "You can't go if you don't have a wheelchair." So I had a wheelchair. We bought a wheelchair for the occasion. God forbid the prison would have one. We had been there for I guess four or five days because the days before David's execution he could have visitors all day and he had basically said, "I don't know what to do. I want you there all the time and the other woman who's my girlfriend now there all the time." Well there were all these other people who wanted to come say goodbye. There was his sister and his brother and his uncle and his other people and in the end he said, "Maybe I should have just divided the time up by as many people as could have come in." Because it was just horrible. But the truth of the matter is there's nothing you could do. Nobody goes through this unnatural— it's a murder. The idea that an execution is not a murder is insane. Nobody else gets murdered this way. The man that David and his friend murdered wasn't murdered like this. It was an accident. Yes, they had guns and the guns went off but it's because they were crazy and they were scared. There are psychopaths who go and take a person and tie them down and torture them. Maybe they tie up a friend and make that person's friend watch. That's called a psychopath. What this system does is psychopathologic. Indubitably. The only description for what was done to me is that's what Hannibal Lector does to people and this is what the District Attorney called David Powell. He called him a Hannibal Lector. No, sir. What he did was a tragedy and an accident, a result of drug addiction and a screwy system, medical system that wouldn't help him get off his drug addiction, and a police system that set up the poor guy who was killed by them. What you are doing District Attorney, is Hannibal Lector. It's immediately comparable. So they roll us into this building and they frisk us and they make us wait some more and then they roll me to another place. The place you wait to be rolled to the execution chamber is the guard's break room, vending machines, formica tables, a bunch of guards, these ghoulish chaplains and me and the other five people who are waiting to see this man killed. Presumably the family of the originally murdered person and their supporters and the press are going through something similar but have a nicer waiting space because somehow the system has determined that anybody who is on the friend's side is going to be treated badly and anybody who is on the family's side of the original murder is going to be cared for. I don't understand the logic of this but in their institutional logic, that's the way the powers that be figured it out. Because I am a visitor of someone on Death

Row, I should be treated badly and it happens all the way from the first day you visit all the way through to the execution. Whether it's one year, or ten years, or twenty-five years, you are somehow by virtue of being a visitor to someone on Death Row, guilty of a crime and you're treated that way by almost everyone. Not everyone. You occasionally meet a saintly guard who is normal but its remarkable so I remark upon it. Then I discovered that my colleagues, the psychiatrist, the friends— oh, I know who the other friend was, God bless her, Sissy Farenthold, the great humanitarian, were choosing for their topic of conversation what poisons were going to be used to kill David. They're made of different stuff than I am so I backed up my wheelchair from their table and I rolled away to a different part of the room and I sat by myself and I am fortunately a Quaker and Quakers like to sit in silence, despite how much I'm talking, and wait for God, or spirit, or peace, or whatever it is that comes to you when you sit in silence. So I tried, heaven help me, to sit in silence, and one of these chaplains comes over to me and begins interrogating me about Quakerism and for God help me, maybe fifteen, twenty minutes. And I finally said to him, In the end, what Quakers value more than anything is silence. And he got it and he looked at me and he said, "I'm sorry. It's my job to keep you busy so you won't dwell on what's happening so I thought if I asked you questions— See he didn't have any interest in Quakerism. He was just trying to keep my talking because in his view that would be a way to comfort me. No, I said. If you ever have a Quaker here, leave them alone. So he went away finally but at that point they called us to go. So everybody else walked and I was wheeled by the chaplain to another building to a little door— Big door, a big metal door and we were wheeled into a cell, probably a cell that originally was used or intended— maybe not. Maybe it was a cell that was intended for executions. Maybe when they built that prison its windows looked out on the electric chair. But it could just be a cell where people are— a padded cell that prisoners were put in. Just four walls of metal. Only one wall had been removed and was Plexiglas and they instructed us not to lean against the Plexiglas. It's not glass and you could break it and fall in. Evidently the prison system can't afford standard thick enough, you can't break it glass. And to my horror, David was in front of us about the same distance I am to that table, so that's three and half, four feet and he was strapped to the gurney already and the people who want him killed are in the next room where we can't see them and they have a Plexiglas and they can see him. He's looking at us and the worst thing that nobody had prepared me for— By the way, there are no chairs. People see these scenes in the movies. You're sitting in chairs. No, no chairs and he's not facing you. He's sideways to us and there are no chairs. I'm the only one in a chair, lucky me. I have a wheelchair. And they have put his arms out on these— like this. And they have ace bandaged everything from the fingers all the way up. Nobody told me. Nobody ever told me. This was the worst thing because David uses his hands. He talks like me with his hands. He's expressive with his hands. He had beautiful hands. So in effect, he's been suffocated already. He can't wiggle a finger. He can't even breathe. If you've ever had that done to you, you cannot breathe. Your hands are like— It's a horrible feeling. If anybody has told you, ever tells you that they don't suffer, it's a lie. I knew that man better than anybody on earth. For twenty-three years of his life, I visited him sometimes daily. I spoke to him for years and years for hours a day. I visited him many times several times a month out there. I visited him up to the end once a month and he suffered. The look on his face was pure agony. And the other person told me that there was an article in the paper by this fiction

writer who they put— total fiction writer. This guy visited David once and what he wrote, he starts the article out— How does that article start out? "He sited down his A.K. forty-seven." David never sited down anything. He heard something happen and he grabbed his gun and began shooting wildly. David never said, "I sited down." This guy writes fiction and he watched David's execution and wrote an article saying, "Powell's gaze fixed on us with bitter hatred." Or something like that. That's the most bullshit I've ever heard in my life. David was suffering and he didn't have his glasses on. David can't see anything without his contact lenses or his glasses. That's just insane. And the expression on his face was an expression of pure un-allayed misery, absolute agony. And then the ghoul who was in there, the chaplain, who was in there, I think reading— I could be wrong but I believe he was reading out loud from the bible, which is something I don't believe David would have agreed to but maybe he decided let the guy do it. He was remarkably— The last couple days he was remarkably generous. The padre who did mass on Death Row, David went to mass the night before they killed him, the night before the night, I guess, which he'd never done because he felt, he said, that if he was going to walk the walk he'd better talk the talk and if he had consented to write this letter of apology and he had agreed to this other friend of his to try to connect to spirit. And if he was going to agree to try, he was going to agree to try. He'd been an alter boy as a boy. Been raised a Catholic so he would go to mass and I happened to run across the padre who had served mass that night and the guy could not stop talking. I wanted him to stop talking because I wanted to talk to David but he couldn't stop telling me what an extraordinary experience it had been to serve mass to David the night before and how he wished he had it on tape because David, apparently during the mass— the prisoners, no doubt, are in separate cages but they're allowed to— either I don't know if they in the communion they can speak their minds or whether they get to do confession in front of everyone else, I don't know how they work mass in there, but evidently he spoke at length and the padre said his life was changed by it but he couldn't tell me what David had said and he hadn't written it down.

[END TAPE 2]

[TAPE 3]

JUDE FILLER: And the door opened and someone told us to leave. They didn't even let us stay there. They just told us to leave. The other people I guess had left already. And we wept for a moment and then we filed out and went back to the place— I don't know where people went. I just left. People went to the funeral home. The other woman who had taken over the arrangements for the funeral and everything got his— He'd left her all of his worldly goods. He'd left her to make arrangements. He'd left her everything. He left me nothing but a pair of old shoes. He said he didn't want to give them the benefit of having anything of his so when they took his shoes off, he told them to give them to me and I took them to a waste basket and threw them out. And I came home and she took his things and she went to the funeral home and she wept in front of her cameras and then she took his body to the crematorium and took his ashes to his mother. So in the end, I had nothing and that's okay because he's gone. I've got nothing anyway but I had the best companionship for twenty years. I had a partner in work, work that I valued and I thought other people could get value from. Nobody could have had a better partner, a more creative mind, a funnier, more critical mind, a loving, caring mind. When the cancer got me, there was nobody else who took care of me the way he did. If he'd been free, he would have devoted every waking minute to curing this cancer and he could have done it because he was a scientist. But our society doesn't value curing my cancer. It values spilling his blood. So the next day, I sat here, right here in fact. And friends sat here and we wept and the next day and the next day. We had a healing meeting because we're Quakers. In a healing meeting, what's different from a regular meeting— In a regular meeting, you sit in silence and you wait and you listen and you see if whatever there is out there that might be bigger than we are sends some insight that will help us to make things better. But in a healing meeting, which we have been doing, we Quakers, for three hundred and fifty years, we focus all of us together on a given person or situation and we seek to hear a message of healing. So thirty Quakers sat in a room and thought about David and society and me and his other friends and the other Quakers who had known him. On the day of his execution, I looked down the row. I was seeing David and five other Quakers who were visiting five other prisoners on Death Row and no one else was there that day, at that minute. And they all knew David just from passing 'cause they all see other people on Death Row. So we all sat in a room for two hours and prayed healing and for me, during the time that we focused specifically on me, 'cause we spent a lot of time focused on David. We spent a lot of time focused on the prison system and the guards. We spent a lot of time focused on David's family and other friends. We spent a lot of time focused on the poor people who's son, father, friend, brother, had been murdered in the incident that David Powell was involved in and we sent healing as best we could to all of those people. But when they focused on me for the, I don't know, ten, fifteen minutes maybe that they spent on me, my body let go of something that I did not know existed. I didn't cry. I didn't shed tears. I had fountains gushing out of my eyes. It was the most remarkable thing. It was not like any kind of weeping I have ever seen or felt except for I had this experience in India some years ago. At some point probably in the course of being rear-ended, my shoulder had somehow become out of kilter. I was rear-ended very badly in 1989 and I spent three years in various kinds of therapy for it and eventually it healed enough that I wasn't in constant

pain. But for three years, I had five days a week of some form or another of either massage or acupuncture or chiropractic or shiatsu or something, for five years five days a week until I was finally out of pain, 'cause I was in horrible pain at that time. It still worked but something was still not right and then I had an opportunity to go to India to do a class with B.K.S. Iyengar, who was at that time the teacher of the kind of yoga that I practiced. So I took this trip to India and in the course of this week with Iyengar, he used me as the demo-model for hanging upside down. And I had hung upside down before here and I could never do it because this terrible feeling would occur in this shoulder, except it was this shoulder. So I would always get down right away when this terrible feeling started. But when he had me upside down in India, there were three hundred people in the room and he was lecturing and he went off to another part of the room and everybody followed him and they left me hanging upside down and I couldn't get down by myself because there wasn't a wall there. I was on like a beam so there was nothing for me to get my feet up on and walk myself down the way I'd always done here. And I was stuck upside down 'cause I couldn't get their attention. I wasn't going to interrupt his lecture and I had this terrible feeling in my arm and finally he noticed I was upside down and he sent someone over to get me down and when I stood up, water started gushing out of my eyes and I said to the other— his daughter, why is— I mean I'm not crying and I'm not in pain. In fact my arm is different now. I can go like this now. Why is this water coming out of my eyes? And she said, "Oh, you westerners are always crying. It'll stop." I wasn't crying. Water was coming out, gushing out of my eyes and that was happening in this healing meeting. I don't know what the mechanism is but it's related to healing. Something was being released from by body in this effluent and I was okay enough that I could travel the next day. I left the state and went north to visit family and function, sort of. I had nightmares. Well, I didn't have nightmares. I did not sleep. I could not sleep for about two months. When I would lie down to sleep at night, I would write books. I would write entire books all night long about David, about the execution, about David's friends, about the system, about kind of what I'm doing now only they were good but I couldn't retain it and I couldn't do it awake. It would come in the night when the lights went out and I was awake but I was sort of half asleep. I'd go in and out of sleep and these things would— And after about two months of that, I could sleep through the night. I spent two weeks with my family. I spent a week at a Quaker meeting and I spent a week with my brother, spent a week with a friend in Toronto, and then I spent two months alone in a cabin in the mountains of upstate New York and I healed. I painted pictures of David until I painted pictures of ducks.

Every summer for the past three summers, I had gone up there for some period of time, three weeks, four weeks and I would paint little pictures for David and write him a letter on the back and send it to him and he gave me that. I take it back. He gave me my letters to him. He did not want to give them to his— He gave everything else to his friend, his new friend but he gave me back my letters. He said, "If they don't kill me, I need these back because they kept me alive all these years. They kept me from being insane. You have no idea how insane I was when I went insane and your letters kept me alive and they made me well. I need them back if I live. If I don't live, here are your letters. Thank you." And he said that he wanted not to die, that he realized now that he had lost his youth, lost his life because of the other life that had been lost but that he didn't want to be executed,

that he wanted to live a natural life and die a natural death even in prison but preferably with the people he loved around him but that didn't happen. And then I came home not because I wanted to but because another friend of mine died of cancer and I came back for her memorial service, to speak at her memorial and because I had a life here and I had to start somewhere. And I don't see my other friend on Death Row because he has friends that he really, really wants to see who are like I was to David for him, people he works with 'cause he does his work [dog barks]. He's doing work to try— Hush, baby dog. He's doing work to try to save the world and I used to work with him but now I've connected him with other people who can do the work I was doing with him better than I did. It hurts. Things hurt that I didn't know would hurt. They asked me— [to dog] come on, no, no. Come on, you want to get in the picture? You can get in the picture. Come on, okay. Come here. Say hi to the camera. Say hi. David loved dogs. I used to walk my dogs over so he could see the dogs. He knew five of my dogs over the course of the years. We would walk over there and I would tie them up outside the prison and go in and see him and then come back out and we would do little games for him. On one Christmas we made— I didn't do it. The girls did it. They made— okay, pup. Down. They made giant Christmas tree ornaments by blowing up balloons and paper macheing them and decorating them like Christmas tree ornaments and then in the dark of night, they sneeked out and one of the guys climbed the tree where he could see from the prison, a small tree, and covered it in Christmas tree ornaments so when he woke up in the morning— And then they made boxes as if they were gifts and stuffed them under the tree. When they all woke up in the morning, all the prisoners got to see David's Christmas tree. Now prisoners loved David because he made their life so interesting. I had many, many letters from prisoners over the years telling me how David had changed their lives either like one who had been taught to read or— I didn't tell you about that. He taught this man to read. He was very aware that people needed their dignity, as he wanted his so he was struck how hard it would be to teach someone how to read with the usual reading materials for a grown man who's already in a place where their dignity is— You know, they have a visitor and they have their asses searched. They don't get to go back to the cell without having someone poke a finger up their ass. These people suffer terrible, terrible inroads on their dignity. And so he thought, "What can I do? What teaching materials can I use to teach a grown up man to read that will not insult him?" So he got George Orwell's *Animal Farm,* which is written like a child's book but in one action, he not only taught him to read, he politicized him because then they could have long discussions about politics, how power structure works, how class structure works and to this day, that man is a committed Trotsky-ite. David was never a Trot, but this guy is and he's very active in the Trotsky movement. He's a published author in the *World Magazine* and David taught him to read. He also taught him math so that David could— Now this man helps other men manage their finances for their freedom campaigns. He taught— I could show you a big piece of biker art, in fact I'll give it to you. You can take it for your archives. Some prisoner here in Travis County jail showed up at my door one day with this giant piece of tattoo art and he told me at length how David had counseled him. And he'd been a biker and a tattoo artist and a drug user and a violent person and he went away from his period of incarceration in Travis County jail with a whole new set of goals in life for how to use his skill for peaceful purposes and to earn a legitimate living and be able to be an active, positive member of the community. There was a mistake.

David was such a fine prisoner that he was shipped over to minimum security. The jailers did that as they would with anybody like David and they got their asses kicked by the D.A. 'cause the D.A. found out two weeks later and had him rushed back to maximum security. How was he going to go in front of a jury and say this man was a vicious animal if he could be functional? But for those two weeks, David was so happy. In minimum security, it was a whole different world and I had a letter once from Phillip Braselton who had been commuted and it was such an awful letter because he wrote me and he said, "Jude, I don't think— I don't know if I'll make it here in general population." He said, "Death Row is a thousand times more horrible than general population but as a result, we have a profoundly close community of loving brothers and here, it's hell. The gangs and—" Before James died and things changed on Death Row, when they moved them— Ellis is a horrible place but when they moved them from Ellis to Polunsky, which is arguably a better place, their lives went beyond the pale to hell because as bad as Ellis was, the corruption made it manipulatable. At Polunksy, they're in solitary and the manipulation is possible but it's more difficult. The guards are paid so little and they're paid once a month, so by week three, most guards are out of money so that's why the guards can be paid by people like that cell phone guy last year. Who took the cell phone in to him? Had to be a guard. There's nobody else who could do it. It wasn't a prisoner. [Phone rings] I'm sorry. I have to take that.

HENERY: Of course.

JUDE FILLER: So they had in Ellis some semblance of a life because they had community. James, before he died, the community was destroyed by the pincher motion, as far as he was concerned, of being moved to Polunsky and the gangs. When they were on Death Row in Ellis, when somebody came onto the Row, they would prepare a welcome package, like a welcome wagon, things a person would need, a razor, a book, stuff that they would need to get along and they would try to protect that person while they got settled. Often it wasn't possible and— But and some of them where they are now managed to achieve some semblance of community, even under these horrible circumstances now. But the corruption is in the prison system. The guards are the only ones who can be bringing in the contraband but they have to do things to survive that if people knew about, even in this situation— You know, a guard will bring in drugs and some prisoner will have to carry those drugs from his rec. area into his pod, for example, because if he doesn't do that he'll have no money and the only way to get commissary is with money. Now you can't have cash, so that's not going to work, so it's got to be contraband that he's going to get with the money so it's contraband— Okay, that works anyway. David would buy— David's mother would send him the maximum. David never dealt in any kind of contraband. He never broke any of the rules, but I'm told by other prisoners that he's the only one they ever knew of who could get away with that. And I'm not sure that's true 'cause I can think of a couple of people that have wives with jobs who would have given them enough money. But what David would do then is— Suppose David wanted to send me a Valentine and what he wanted for a Valentine was outside his skill. David didn't draw. He didn't know how to draw so he needs an artist to draw something for him. He commissions somebody to draw me a piece of art for Valentine's. And what's he going to pay that person with? Well the artist doesn't have any money for

commissary but David has commissary because he mother deposits a check for him every month. Actually, his mother never did because for some reason she could never bring herself to do it. She would send me the money and I would do it and eventually after I got sick I said, I can't do this anymore and his Aunt Frieda took over and then Aunt Frieda died of breast cancer and somebody else took over for the last two years. But until then I had done it for the first eighteen years. I ran all the family's errands because the family was just crushed by this and they couldn't do it. They couldn't do anything; they were heartbroken so I did the heavy lifting for them. So now David gets his piece of art and this person gets something that David buys at commissary for him. It's going to be powdered milk or a magazine or something this guy wants to have some quality of life and they have to figure out how to get it to each other 'cause they're in solitary confinement. So there are various ways, which they do that, which I can't talk about because they'll change it if everybody is talking about it. There are other people who want to have a drink or a cigarette, so they'll deal in contraband. Where do they get a drink? They make it in the toilet. It's their only choice. They can't tell people about that because if they tell people about that, then they'll be animals and then they'll just be killed, but for God's sake, anybody would lose their mind there. The number of suicides there is astronomic. People give up their appeals all the time. It's just— What are you going to do? You can't— You've got to have a life. So I don't think there's a way anymore for them to trade sex. I don't think there's a way anymore for them to do some of the other things. There's no doubt they still have contract killings occasionally occur there, but it's got to be the guards who do it. It has to be but nobody cares. David tried for years and years and years and years to find a lawyer who would pursue civil rights cases and international human rights cases for the men on Death Row because the way they have to live is a violation of every kind of civil rights and human rights but all the attorneys always say, "Look, we have to put our energy where we get the biggest bang and it's not going to be on your civil rights. It's going to be on saving somebody from execution." Though they hardly ever do save someone from execution, so.

CHAMMAH: Well, we've learned a whole lot today and we don't like to stay for more than two, two and half hours.

[END TAPE 3]

[PART 2]
[TAPE 4]

CHAMMAH: Jude Filler for the second part of our interview with her. We had one I guess exactly a week ago. This is again Maurice Chammah doing the interview and Celeste Henery is doing the camera work again. Is there any way particularly that you would like to start this time or would you like to kind of leave it open?

JUDE FILLER: No, no.

CHAMMAH: One thing that I found myself pondering since we last spoke was that you spoke a lot about David being an atheist or a professed sort of non-believer and that so much of what I hear about with Death Row and with people's experiences on Death Row is bound up with the idea of chaplains and spiritual advisors and I'm wondering how he dealt with that, whether he saw that as contradictions or he sort of went with it or how he engaged with it as it seemed to be somehow be pervasive in that world.

JUDE FILLER: Well everyone— We're all unique. Everyone is. But if it can be said that someone is more unique, David was widely recognized. In fact, I would have to say universally recognized—among people who liked him and people who didn't—as different. Whether he was in Travis County jail or on Death Row, other inmates and the people who work there generally respected him whether they liked him or not and always recognized him as different. When I first met him, I was sitting in this chair twenty-four years ago and the phone rang and it was a Collect call from Travis County jail and it was this man I had met on Death Row who was here for retrial and he would go to the— They had some sort of in-jail Sunday service of some sort because if you did that you'd get certain benefits. I don't know what the benefit was. I don't know if it was that they wouldn't take away your popcorn, they wouldn't take away your— They tend to negatively incentivize. They don't give you something for good behavior. They take away something for what they consider bad behavior. So whatever the incentive was, and I don't remember if it was something you got if you went or something. Maybe— I think I do know. It was a long time ago. I think that if he went to church, he could have a contact visit and frankly, he would have done almost anything for a contact visit. At that point he had been ten years without human touch. He had been on Death Row for ten years when his first appeal was successful. And he was extremely bitter that his lawyer had taken ten years, whereas the lawyer people were extremely thrilled. They thought it was a great coup that the lawyer had timed it perfectly so that it would be successful, that if he had done it at some other juncture it might have been unsuccessful. I suppose depending on who was sitting on the appeals court or something. I don't know, but he went to services there and for a while in the nineties, nineties? Yes. A friend of a friend of mine visited him regularly who was a guy in seminary studying for some sort of Protestant preacherdom. And my understanding is that they got together and discussed a small book that I got a copy of and never read, something about the soul. David didn't believe in souls. He didn't believe in the afterlife. He didn't believe in a supreme being.

He had been raised a devout Catholic and he had been an alter boy but he saw himself and he identified as a scientist. And to him, as a scientist, the idea of the sort of commonly understood god just made no sense, no sense at all. On Death Row, I'm pretty sure he had little or nothing to do with any kind of prison-supplied religious people. He was very, very fond of Kathy Cox, the Salvation Army spiritual advisor who came to him, as is everybody. Kathy Cox is a living angel, just as a human being and she's just fun and you get— If you're on Death Row, you're allowed one two hour visit from someone within three-hundred miles a week through a piece of glass on a phone or one four hour visit divided on two days by someone farther away than three-hundred miles. I never try to understand the logic of prison authorities. The words "logic" and "prison authorities" don't [inaudible] for me. And a visit with your spiritual advisor, two hour visit with your spiritual advisor. So extra visit, lovely person but she never made a dent in his belief system. I made a little miniscule and probably temporary dentings as I got sicker from the cancer. I couldn't do the things that had traditionally given me energy. I couldn't dance. I couldn't exercise. I was very pretty heavily invalided and I couldn't do yoga anymore. I had done yoga for forty years. I couldn't do yoga exercises. So more and more I did meditation and breathing and stuff like that and so we did some of that together and the fact is the Buddha didn't promise much of anything beyond an end to suffering, which is pretty substantial, but has nothing to do with an afterlife and nothing to do with I don't know, supreme beings and stuff like that. So we looked at that some. He told his lawyer when he was struggling with the choices that he had towards the end that he needed to talk to me because I was his moral compass, which I think is sort of a hoot since I wander through life with my hands or something over my eyes. I don't know. I don't know from beans but I'm pretty good at knowing what the questions are. I don't know the answers but I have some questions. So a lot of what we talked about morally was about here and now, not about some sort of god thing and I don't think any of the either prison-supplied or friends who came from the realms of theological discourse were there for that. But he loved people so irrespective of what they were bringing him, he would have loved to have visited with them. He made, I think, a very deep connection with my friend Carl Seiganthaler, the late great Carl Seiganthaler who was the Austin Metro Minister. That was his title, his job title. Now it's called something else but in those days, he was the first and for twenty years he was the only official theologic-type assigned to the matters of community in Austin, the Austin Metro Minister. He was employed by something that was called, now its called Austin Area Interreligious Ministries. It was called something else then. I don't remember what it was called. And I remember at the roast when he died, he drowned tragically in Nicaragua. He had gone down to work with coffee pickers and— He wasn't a young man. I think he was seventy-eight or something so it wasn't a bad way to go but we miss him and the bishops had a hard time roasting him because they really hadn't appreciated him. One of the bishops said how it really irritated him when he would look out the window and he'd see Carl coming up the walk and he'd know— this was during segregation— He'd know that Carl was going to sit him down and tell him he had to desegregate something that he didn't want to do because it would rile his parishioners who were segregationists. So Carl testified for David. Carl told the jury, I think, I wasn't allowed to be there, but Carl told the jury that David was a moral human and a good human and that even if he didn't espouse a god, he was what the jury would consider a Christian, I think. I imagine that's

what Carl told them. I know that's what Carl believed and I know that David loved Carl and Carl loved David. And David's friends, when he died, when they eulogized him, talked about him being the living human that they'd met who had the most Christ-like qualities and the most Buddha-like qualities, and what they meant was that when they were with him they felt that he loved them because no one ever visited with David who didn't feel the power of that unconditional acceptance as a human. Didn't mean that he didn't loath Ronnie Earl 'cause he did. I do too. What's not to loath? There's an immoral person who justifies immorality by saying, "By doing that I can do good things like set up a juvenile justice center." Well, it's a good thing but you can't justify evil. The ends justifying the means is the beginning of the slippery slope. What's not to loath?

Terry Keel, even more loathsome if there's a ranking in the world of loathdom.

CHAMMAH: Can you tell us about Terry Keel?

JUDE FILLER: Oh my God. I will tell you about Terry Keel after I turn off the kettle.

CHAMMAH: Okay.

[Tape Cuts]

Prosecutors—I debated a very, very nice guy once, a prosecutor. I debated some prosecutors who weren't very, very nice guys too. But this guy was a young guy and he was new, a newbie and he told the kids he was talking to, he said, "When I was in law school, I was against the death penalty 'cause I was all about idealism and I thought nobody could be evil and then I became a prosecutor and I saw what evil people do to innocent people and we have to protect ourselves from them by killing these people." And I thought, this is a nice guy and that's a pretty understandable point of view, but he's wrong. Yes, we have to protect ourselves. Except for murder, there's almost no crime that hasn't been done to me. I've been raped. I've been beaten. I've been robbed. I'm not terribly atypical by the way. I think these are fairly common experiences, certainly for women in this world. I've seen statistics that say eighty percent of women have been raped one way or the other. I had a child who was disappeared. I never saw her again. She was a foster child but I was I think as close to her and loved her as much as anybody ever loved their child. I know what it's like to want to kill people for the hurt that they've done to me and mine.

It doesn't change the fact that we shouldn't do it, that prosecutors should lie to kill people because the lie is the worst thing. The killing is just as bad but we can protect ourselves from that. The best way to protect ourselves would be to take our resources and apply them to mental illness. Way back in the beginning to child abuse, way back in the beginning to rape, way back in the beginning. The probably twelve to sixteen million dollars the State of Texas and Travis County spent for the sole purpose of executing David Powell over the course of thirty-two years, wow, could that money have been used a whole lot more to prevent violence. And we'd have been just as safe because once he

was apprehended, after the methamphetamine was out of his body and particularly after he had gotten some psychologic counseling and some relaxation exercises, some meditation techniques, which he got when he was in the booby hatch for loonies. I know, people don't like when I use words like that. The prison for people who are criminally insane.

He could have contributed for thirty-two years. We never needed to let him go. Granted, I would have liked to see him let go. I think he would have made a fine teacher or medic. He could have done scientific research for people who have cancer and he would have made a big difference. But suppose we don't want to do that. Suppose we say, "No, we're just going to keep him locked up forever. But we'll make it a nice enough lock-up and we'll let them have books and we'll let them have art supplies and we'll let them have counseling and we'll let them have conjugal visits, and we'll let them have contact visits." He could have taught illiterate prisoners. Even if they didn't want to use any of his very fine skills, he was fine sewing prisoners' uniforms. We didn't have to kill him and the lies that were told in order to make the killing possible stink. It's just like if you put a rotten piece of fruit in a bin with good fruit; the rot will spread. When you tell one lie and another lie and another lie and another lie, the stink is contagious. I believe that. I believe that the death penalty is like a nasty turd that blocks up the fluid system of our society, backs it up so that the crap spills out the other end all over us and the only rotor rooters that we have are truth. The corruption is worse. I know that there are people that argue revenge is worse. I know some pretty saintly people. David wasn't one. I'm not one but I know some and maybe they don't yearn for revenge ever but I think revenge is a pretty fundamental human feeling that most of us experience from time to time. I understand the feeling of the murdered person's family. I understand a whole lot. I am related by the million to murdered people. I understand. I understand but it doesn't fix anything to murder another person for revenge. It really doesn't. What fixes fundamentally is love and David knew that and David practiced it.

Seven guards, guards from that foul, foul Death Row prison system testified on his behalf that their lives of Death Row were better because David was there, because David defused violence. Man after man after man on Death Row those ten years that I knew so many told me stories, unsolicited, about David stepping between people about to kill each other when they were not in solitary. When they were working together or in the common room or in the rec. yard and somebody would go to kill somebody else and David would step between them and talk them down and he was doing it— See, he wasn't doing it for brownie points. The people who said the apology to the family at the end was just to save his life were totally wrong. So many people who knew him before he was on methamphetamines talked about how he was that way. David Van Haus, who went to college with him and was a close friend of his said, "People think Death Row must have changed him and made him the way he is and it didn't. He was always this way except when he was on the drugs." So I don't think— It didn't have anything to do with yearning for some kind of salvation. He didn't believe in it. He believed in practicing it now and he did. Did I answer your question?

CHAMMAH: Absolutely. I'm curious, you mentioned a lot about some of the different prosecutors. What was your relationship through this time with his lawyers?

JUDE FILLER: They wouldn't talk to me.

CHAMMAH: Oh really?

JUDE FILLER: None of them would ever talk to me. We never understood it and even when he exacted— He felt very— He was confident rightly or wrongly that I would save him. He was sure that if I spoke to the jury then they would hear the truth and trial after trial he would tell the attorneys, "You have to put Jude on the stand. I won't do anything you want me to do if you don't put Jude on the stand." And they would never put me on the stand. Mike Deguerin, his second attorney, we're pretty well convinced sold him out in exchange for having a case of his own dropped in Harris County, a case against him because he did almost nothing on David's case until the night before the trial and then, at the Four Seasons hotel, which David's mother was bankrupted paying for, over drinks he talked to us as a group. Then he told me to get out of the state. He said, "Get out of Texas so the prosecutors can't call you." Well I didn't. I went to a safe house. We never knew why. We never knew what he had in mind. The second appeals attorney, a guy in San Antonio, didn't actually work on the case as far as we could tell. One of his young people did. Never spoke to me, don't know what he looks like.

[Tape Cuts]

But Loesch and Tigar couldn't continue working on David's case and Tigar, very unfortuitously, Tigar had agreed to do David's case. When I went to him and said, You need to do this. He said, "Yes, that trial smelled particularly bad." And he was referring to Terry Keel, meaning the second trial. I didn't know David during the first trial but he said, "I'll take the case. That trial smelled particularly bad." And then David had a close friend, an English woman, a judge I think she is now somewhere, California maybe, and she had recommended Loesch. And so they were doing it together when extremely unfortuitously, Tigar was asked to represent Terry Nichols, one of the Oklahoma bombers. So Tigar, I am told by David, gave him a choice. He said, "I'll be your attorney a couple days a week and my wife will be your attorney most of the time, or you can have Loesch, but you can't have me and Loesch anymore." David did not tell me this at the time, by the way. He was very scrupulous not to involve me in his cases. During the second trial, he had asked me if he should fire Deguerin because he realized Deguerin wasn't going to play fair on him and I felt completely unnerved by being asked that. I didn't know. I don't know anything about the law. I'm not a lawyer and I didn't know Deguerin and I'd never been allowed in on what was going on in the case and I had never discussed the case with David, ever, because if I did I might be called to the stand and asked what he said and I would be obligated to answer and then I might implicate him in some way. So we never discussed the case and it was such a burden to me that he asked me and I didn't know what to say. Of course in retrospect, the answer was yes, fire

Deguerin. But I didn't know that. So after that I asked him never to ask me for advice and he never did. And of course, when I found out later that he'd been given this choice, Loesch or Tigar, part-time Tigar versus full-time Loesch, of course I would have picked part-time Tigar because Tigar could have won that second case. As bad as Loesch and this Jerry Morris, who replaced Tigar were, Loesch because of his demeanor not because of his legal ability. He did an excellent job I think legally from what I understand. Morris, because he was just— I don't even know. It's hard not to be— I don't want to be unfair. I don't know anything about Morris. Maybe he was well meaning and just low-wattage in terms of the impact on the jury. As far as I can tell he had no impact on anybody. Tigar I think could have swayed that jury. Even without Tigar, the vote was six-six and at that point, Black, the rent-a-judge who was sitting in 'cause he was retired but he came back for this, which is one of the perfidious part of the system, he had been the original judge so he had a vested interest in maintaining his original verdict. The idea that he could in any way be impartial doesn't make any sense to me. So when the jury was hung six-six, instead of saying, okay, hung jury, commuting Powell to life, which would have been the right answer, he sequestered them. He put them in some crappy hotel and told them they'd be sequestered night after night until they reached a unanimous verdict, which isn't right because even if one person says, "No," it's supposed to be a commutation to life. But the next morning, they came in and voted a hundred percent for him to be executed. When they voted, all day long they'd been in that closet all day long and they'd voted six-six despite how crappy the trial had been and the changing of lawyers and everything.

CHAMMAH: What about Tigar do you think could have swayed them?

JUDE FILLER: Well, Tigar is a rock star. He has the ability to talk to a jury and have them— You know, it's charisma. They suck up that star thing and they hear— Loesch had negative charisma.

[Tape Cuts]

He was a devoted anti-capital death attorney and he was a fine attorney. He had— he left behind—[tape cuts]—twelve, twenty, lots of points for the appeal and his subsequent attorney, who was one of those saintly human beings, a vegan and just a good, good, good, good person, thinking that he could help David's case by really focusing on certain points and not putting in egregious points so that the judge, the appeals judge might think that there was a frivolous appeal. Threw out a lot of points, which later— I don't know. I'm not an attorney and I don't follow this stuff. Some people thought some of those points might actually have been appealable later if he'd left them in. Couldn't say. Can't say. Even he never talked to me. Towards the end a little bit but none of the attorneys would ever talk to me. They just didn't think I could be useful, I guess. David didn't feel that way and there was nothing I could do.

CHAMMAH: And that's why they never came to you?

JUDE FILLER: I don't know why they never came to me. Ask them. He told them time and again, "Please involve Jude." He told them down to the last few weeks, "I'll talk to these newspaper people if they'll agree to interview Jude." They didn't. I never knew it was happening and it put me in a terrible position when I went to see him because he'd say, "Has this happened? Has that happened? Has the other happened?" and I'd say, I don't know. It was like having hooks in my heart and being hung, just the wrenching of my heart all the time. There was nothing I could do and I'm pretty sure that I was the only person all those years that ever was straight with him a hundred percent. It was the deal I made day one. I'll never soft pedal. I'll never sugarcoat. I'll never lie to you. I may be wrong. I may be uninformed but I'll always tell you what I think and I expected the same back from him. I didn't always get the same back from him. There were things— He had a falling out with his friend, James, and he would never tell me why and James, to his dying day, whatever he had done— He wouldn't tell me either, by the way. But David felt that James had jeopardized him. They had been cellmates for a while so James probably knew some things that other people didn't know and he had blabbed something to somebody and David never forgave him. I asked him right before he died if he had forgiven everyone and if he had forgiven James and he said, "Sometimes." And James was executed ten years before David was. The curious thing— I don't know. I might have told you this already but when David was in the prison for the criminally insane, James was working there as an orderly so they knew each other when James was a sociology student at the local community college and David was David. So James was no fool. He saw this brilliant guy and took him on as a professor and then James got framed for the murder of Gene Hathorn's parents by Gene Hathorn and ended up on Death Row and became David's cellmate. I think they must have had the opportunity to select. Those were the two guys I met the first day.

HENERY: Did you wind up having a relationship with James as well?

JUDE FILLER: Yeah, James was the guy I told you corresponded. James and one other guy who had been David's cellmate at another point corresponded with David and so I began their correspondence with them. James and I were very, very close friends. He got angry with me right before he died because he had— James' mother, when I was running the Campaign Against the Death Penalty, was one of the people who spoke, was one of the mothers. I had a tour of mothers of Death Row inmates and that was much more effective than these debates that I had traditionally done. And she was a very good speaker because she's your sort of basic East Texas countrywoman and somewhere along the line she reintroduced James to Debbie, who had been a high school sweetheart of his and they got married. About three years before he was killed they were married by proxy and his mother asked me to stop visiting him. She felt it was inappropriate for me to visit James when he had a wife who should visit him on all his visits. And the way she said it, I understood her to be telling me that James had requested that. So then in his final letter to me, I got a letter that said, "By the time you get this, I'll be dead," and he was because I didn't know. And in the letter he said how heartbroken he had been that I'd stopped visiting him and I never knew. I hadn't known that it wasn't

his request that I stop seeing him. Is it going to be okay to keep talking? I didn't realize but there are people with chainsaws cutting wood outside.

[END TAPE 4]

[TAPE 5]

JUDE FILLER: — with this stuff you just line them up and save them so that some day future researchers will be able to use it all.

CHAMMAH: Mmm-hmm. We're also hoping that, and this is just something we're starting with now, that shorter little clips, little moments from the interviews will be useful to community groups, religious groups, classes, other sort of things in the present day but as little tidbits that we call out or that they call out as opposed to the full one and two and six hour interviews, so. I'd be curious to hear a little bit more about James. He's come in and out of our stories, of the stories so far.

JUDE FILLER: This was the first of many, many dozens of books of, by, and about Death Row. This one was written, Jang Ariens— I might not be pronouncing this— Jang Ariens for all I know. He's an Englishman, originally I think Belgian or something and he started a group in England called Lifelines, which had a— Back before Internet, they would print up almost like, it wasn't mimeo but it wasn't much better. Print up a little newsletter called the *Feather* and send it to Death Row and then they would find pen pals because most of the men on Death Row couldn't— didn't have visitors here, didn't have letter writers here but this Lifelines group in England would correspond with them back twenty-some years ago when I started doing this. And so the chapter— So this was published in 1991, was one of the first of the more popular books, and the chapter— I haven't looked at— When I saw this a couple years ago I grabbed it because I had given away my original copy. *Welcome to Hell*, the title, comes from a letter that James wrote me. Like yourselves, they asked for copies of letters and I sent them a letter that James had written me or maybe James sent it. I don't know how he would have had a copy if he sent it to me. In those days they didn't have— Of course they still don't have computers but some of them sometimes have had typewriters that had memory in them. And anyway, the chapter called "Welcome to Hell," the title is from a chapter called "Welcome to Hell." This doesn't seem to have a table of contents and that letter— Here it is. "The following excerpts are from a white prisoner who must out of necessity remain anonymous for legal reasons. Other names have also been omitted and changed." So this is a letter James wrote to me. I think they, if my name was in it somewhere they changed it to Ruth and this is the letter that I told you I read to somebody. I read when I was giving a lecture. Instead of giving a lecture, I read this letter and some guy came up to me afterwards and said it had changed his opinion. He was no longer in favor of the death penalty. He said if somebody could write like that— "Before the cold spell hit the other day I went out to the rec. yard and walked around. Somehow some leaves had blown into the yard. I and the other guy out there noticed that right off because leaves are sort of non-existent where we are. These obviously had to have blown over a building and through two fences to be in our rec. yard. They were pin oak leaves and I remember thinking it was kind of late in the season for pin oak leaves to be dropping and then it occurred to me that I really didn't know what had or hadn't dropped off or what the shape of the grass was in or how moist the soil was or where the stars were for the season. Once for a time, Ruth, I knew by the feel of the air and the changing of the clouds when the phases of the seasons' changes came. I knew the faces of the

seasons' changes. I knew the cycles of the moon and the positions of the stars by equinox and the order of the leaves dropping and which animals came and went with those changes. I used to go to the orchards when the pecan leaves fell. They all fall at once in almost a single day, you know. And I was always ready for the night or nights of the Perseid meteor showers. A blue moon would have been cause for a party with my friends. The next one after this one won't happen 'til 2000. I hate to come across sounding like Running Wolf of the tribe or Jim Bob of the pines, but it really struck me just how separated from the reality of the earth I am anymore." And it goes on for ten pages. That was James.

CHAMMAH: Quite a writer.

JUDE FILLER: He was— The day I met him, he was chaffing because the guys on the row always had nicknames for each other. Jimmy Vanderbuilt was called "Termite," except for David. They never tried to give David a nickname. And they tried to call James, they were at that point trying to call James "Bubbles" and he was fighting it hard and ultimately successfully because he was— I dare say they wanted to call him "Bubbles" because he looked like a bubble. He was short and round and pink but he, of course, didn't want to be called "Bubbles," thinking it probably referred to a frothiness or something. I don't think he saw himself as a short, chubby, pink guy but that is— That was definitely what he looked like. I think he saw himself— I don't know how he saw himself, certainly as an intellectual, as a pacifist. The idea that they executed him for murdering somebody was so insane. He was a lifelong pacifist. He came from the middle of nowhere, Jim Bob of the pines. He came from East Texas, a little community in East Texas but he read, read, read so widely and he had before he was arrested— They arrested him— He was on the toilet. He was reading on the toilet when the Rangers burst in. We like to glorify the Texas Rangers but after James told me what they had done to him, I could never, ever, ever watch cowboy westerns of Texas Rangers again and it severely daunted me in my— I always loved to read O. Henry stories and O. Henry's glorification of the Rangers. And O. Henry himself had been a prisoner so he wasn't inclined to gussy things up too much. But James looks just like his mother, by the way, who's also a short, round person with a giant beehive, a hairdo that she had adopted I think in the sixties and never changed. But he was prepared to grow up and be part of a very big world, part of an international movement of letters and it all just went splat. His wife, he said, his former wife was in his view deranged and he in fact had custody of his children and she kidnapped them and took them to Tennessee and he badly needed legal help and he had no money. He was working as an orderly in this mental hospital prison and going to community college at night and one person he knew said that he could arrange a marijuana sale and James thought he would sell the marijuana and hire a lawyer to get his kids back. And the guy drove James out to his parents' manufactured home, one of these trailer homes in the country, in the woods, and then walked in there and killed his parents and his brother with the gun, shotgun. And James was just horrified beyond words and the guy said to him, "If you ever want to see your kids again, you're going to be my alibi." So they found, I guess, I don't know. They found traces of James or they arrested Hathorn and Hathorn fingered James or whatever. And I told you the story the other day that after they had convicted James, then they convicted Hathorn, who recanted

his fingering of James. And in fact, they hauled in some poor Black drifter and tried to get him executed, too, who had nothing to do with anything. He was poor, and Black, and a drifter and they needed— They had three bodies. They needed three guys to hang and Hathorn managed to get off. He's never gone free but he was recently commuted to life. James was executed, in my view murdered, ten years ago and who knows what happened to the other man. Even the jury wouldn't believe he had anything to do with it but it didn't stop that prosecutor from trying to nail an innocent man. The Association of Prosecutors gave that creep— I mean I'm not supposed to— Hey, I'm a Quaker. I'm not supposed to use words to name people, call people names. I'm supposed to look for the light in everyone but here's a man who prosecuted a retarded kid, a guy who'd been locked in a closet for the first eight years of his life and was retarded and therefore, when he won his appeal this guy retried this guy and got a conviction and the National Association of Prosecutors, I don't know what their real name is, gave him an award as best prosecutor of the year for going back and getting that guy. It's just wrong, all wrong.

CHAMMAH: Is there anything that you'd like to ask?

HENERY: Sure. Did you work over the years with female prisoners?

JUDE FILLER: Only Cathy Henderson. I've never been up there and I was the chairperson, I think it was called, of the Amnesty International Campaign Against the Death Penalty for ten years.

HENERY: Right.

JUDE FILLER: The one in Texas, the Campaign Against the Death Penalty in Texas. So if a prisoner wanted something or needed something, they might often write me and Cathy and I had a correspondence for some years, not very often, only when she needed something. Before he died tragically, I knew her best supporter. Fred List was her former boss and he was out of town on business when the whole thing happened with her and when he got back and found what had happened, he took up her cause and a few years ago, he was drowned tragically in a flash flood on his way to do some work with her attorney. And I had been in touch with him for several years with the Quakers locally helping him with her campaign. I think I may have once exchanged letters with Karla Tucker. I'm not sure, just in my capacity at the time as— but I've never been up there and I never knew any of the others at all. It's a difference facility that's in a totally different direction.

HENERY: I was curious if you could talk a little bit about what this whole reflecting on all of your experiences, what this has been like. I can't imagine that it's easy work to do. I imagine that it's extraordinarily emotionally involved as well as it is strategic, but I wonder if you could just talk a little bit about your experience and how you dealt with the intensity of this work.

JUDE FILLER: Very badly. At some point I got cancer from it. Until then, until I got really sick I had my full time work, which was quite an intense job, not totally divorced from the subject because in Texas, my job dealt with human needs in Texas and human needs largely center around food, shelter, medical care, basic human needs. But the International Declaration of Human Rights defines fifty-some articles, I think, of human rights, and the right to life is one of those, the right to fair trials is one of those. I'm not against law. I'm in favor of law. I like law. My life has been saved on several occasions by police. I'm in favor of law. What I'm against is corruption. What I'm against is cruelty. What I'm against is injustice and so I liked my job very much. I don't always like the politics of those jobs. A lot of people go into human rights work instead of corporate work and the pay isn't as good so there are a lot of power struggles. In corporations, you know who's the boss by how much they're paid. The worst enemy, sometimes, of success in the human needs and human rights arenas are one's colleagues because it's about power. And I'm not good at political stuff because I'm generally focused on the work and so I'm not good at courting board members or courting donors and there's an awful lot of backstabbing anywhere you go in the world and it's also true among the hardworking social justice workers. So I wasn't good at that stuff but I managed to work maybe sixty hours a week at my job and another forty hours a week on death penalty stuff for ten years and to enjoy it a great deal for several reasons. One is I felt I was doing something meaningful. I was raised in a tradition of meaning as a goal. I worked for ten years in very high echelons in major American corporations and I liked learning the work and I certainly always enjoyed doing the work, but I really eventually had to deal with the fact that I didn't really care about the product. I just plain didn't care about the product and it struck me that I couldn't be very inspired or inspiring so I quit and I went to work for Amnesty International where I cared intensely about the product and then for the Texas Alliance for Human Needs, where I cared about the product. I didn't like the environment very much. I don't like the ethos of Texas and I think that a lot of the original ethos has somehow been contorted into football. People would value freedom and individuality. All of those things I thought were part of the Texas myth and somehow, instead of carrying that into something— I don't know. I didn't get to see. I got sick on Saturday so I didn't get to go to a— there was some speech by a guy who's got a new book out on how the history of slavery in the south ultimately resulted in such bad criminal justice systems, wrote gangs and perverted prison systems, and the death penalty. I wanted to go to that but I was not well on Saturday so I couldn't go to it. But I did like the work a lot. I would probably, when I ended up leaving— I ended up leaving the Texas Campaign Against the Death Penalty because of the internal politics. There were some people in Amnesty International politics who just made life unbearable to me. There were several very, very fine employees who were driven out of Amnesty International by volunteer leaders who needed the power and I just didn't like seeing it and I didn't like being part of it so I left Amnesty International and I would probably have then left death penalty work except for the partnership I had with David Powell. I would have maintained my friendship with James Beathard and my other couple of friends in the movement and I still, there are a bunch of women in Houston who stay here when they come to town. They're working hard against the death penalty and I support them by putting them up when they come to town 'cause they come to town frequently to testify in front of the legislature. I don't do any of that anymore. I basically at that point

left the work except for the work I did with David Powell because David Powell did work and it wasn't self-serving work. It didn't serve him at all. It was about— He arranged to have three hundred linear feet set up at the Barkely History Center at the University of Texas, which in no way was going to serve him at all but he wanted the letters of the family of people on Death Row to be saved for posterity so that whether it's a hundred years or two hundred years from now, knowing it wasn't going to help him at all, historians would be able to see the way the families were affected, the way that justice was perverted in many cases. And I have heard, I mean you can't know about this business without hearing people say— Just last week a friend of mine told me that— He's a waiter and he overheard a discussion in his restaurant about the death penalty. And some guy said, as he reported it and I don't see why he'd make it up and I've certainly heard the same kinds of things said before. Some guy said, "I don't think they should just kill the guys on Death Row. I think they should kill their families, too." He said that in a restaurant and sort of "normal, right-minded" people would be tempted to say, are always tempted to say, Oh, well that's just one wacko. But I've heard things like that over and over. There's a lovely, lovely woman whose son was executed some years ago, an award-winning third grade teacher, the sweetest little old granny you have ever seen. Her husband was a preacher. When his son went to Death Row, his church ran him out. What? How does that make any sense? But I remember doing a radio show with her some years ago back before they killed her son, and of course it was radio. Nobody could see her except me and I was sitting next to her and she was wearing a little pink skirt and suit, this sweet little old blue-haired lady in a little pink little old lady suit. And some woman called in— It was a call-in talk show and some woman called in screaming about what a horrible mother you must have been for your son to come out like that. My children would never be on Death Row. My children would never do that. And I don't understand what goes through these people's heads who say things like that but their thoughts are not uncommon. They want to kill the wives, the parents, the children, the grandchildren of these people because they hate them so much and they hate them because they did murder. And there are, as I've said before, there are the occasional maybe one out of ten of those guys on Death Row are psychopaths and maybe another two are life-time criminals whom I would never want out on the street because they may not be psychopaths but they're really not interested in learning a life that isn't centered around crime. They know crime. It's like the guy I told you— I think I told you that David once introduced me to a friend of his and I said, So what did you do in the free world? And he said, "Oh, I'm a bank robber." And I said, What? He was a career bank robber and he thought of it as a legitimate profession. He's a lawyer, he's a doctor, I'm a bank robber. I don't understand those people but they're not psychopaths. They simply come from a world where petty theft or bank robbery is a legitimate career path. I'm not in favor. But another three are retarded. One or two psychopaths, another two or three— And the rest are either retarded or mentally ill. The retarded may or may not be as a result of childhood deprivation. Maybe it's just the luck of the draw, bad luck. Some of it's from childhood deprivation, malnutrition, abuse, lack of oxygen, in utero fetal alcohol syndrome, in utero drug abuse, a lot of that. And then the rest— anybody left, the remaining two or three are mentally ill. Often it's genetics combined with drug abuse. The vast majority come of the ones— Oh, and let us not forget the innocent ones. Another I don' t know whether it's one in ten or one in twenty or one in thirty, but there

is a significant, significant innocence and when the law of parties goes down, which they say will happen soon, that will be reduced because I include innocence in the law of parties and if I take a gun in hand now and blow Maurice away, you're guilty. You're as guilty as I am by law. That's insane. That's a bad law but a whole bunch of people on Death Row are there because of that. 'Cause now you're in that nasty position of proving that you didn't tell me to do it, that you weren't in on it, that you didn't applaud the fact that I took the gun out and shot Maurice. So if it were up to me— Did I tell you about the dream that I had?

HENERY: I don't think so.

CHAMMAH: Perhaps, what—

JUDE FILLER: It was a real dream. I woke up one day early, early on in my work with Death Row. I woke up on a Saturday morning 'cause I didn't have to get up and go to work so it had to be a Saturday or a Sunday and I had had this incredibly beautiful dream. And in my dream, I was visiting a sanitarium from maybe the Victorian era. Did I tell you about this?

CHAMMAH: No.

JUDE FILLER: I was visiting a sanitarium and I think it must have been in San Antonio because San Antonio was famous in that era for sanitaria. O. Henry, in fact, was sent to Texas because he had tuberculosis and would have died if he had stayed home in North Carolina, South Carolina. I don' t know. One of those Carolinas. But the air was considered very good in San Antonio and there were a lot of Victorian sanitarium. So you know the image of these things, long, tall buildings with high ceilinged rooms with fans and tall windows. And this was all white and there were white gauzy curtains on the windows and the rooms were ample. They weren't spacious but they were ample and they had pretty white brass beds with white coverlets and walking through the windows, which were French windows, you walked out the French windows and there were lawns, green lawns. And the people, some of them were gardening with little vegetable gardens and some were cutting flower gardens in the flower gardens and some were playing with animals, bunnies and puppies. And some were nurses and doctors and they were wearing white and wandering around and some were inmates and I realized that this was a prison and these were all murderers, these men, and they were happy. They were gardening, they were caring for animals, playing with animals, they were reading, they were sitting and taking the sun and if they were tired, they went and laid down in their beautiful room and the air was good and clean. And then the doctors and the nurses might take one aside and they would say, "You know, you're well now and we think that you can go out into the big world, but you need to understand that we expect you to do good and if you do bad again, we'll make you come back here." And I woke up from this dream with this vision where people were loved and cared for until they were safe to go back out and do love and caring in the world and if they couldn't do love and caring in the world, they'd have to come back and be loved some more. And that's the way it should be but the perversion of the reality where even if you aren't

guilty, you go there and we hurt you. We keep you badly, we torture you, we inflict— I mean the things the men on Death Row tell us that are done to them. One of the last times I went to Death Row last spring, some poor man had committed suicide in the cell next to a friend of mine and when they came— He realized something had gone wrong and he screamed and screamed for the guards and when the guards came, they threw tear gas into the cell where the man had killed— was lying dead and then they went in. I mean they were wearing masks and so on, so everybody in the pod is gassed. But here's a person, I don't know whether he slit his throat or hanged himself somehow and he's in there dead probably, but before they're going to go in, they're going to throw tear gas in. And then they went in and they kicked him. He was dead so it didn't matter, but to make sure that he wasn't just faking somehow. The room is full of gas. We would know if this man were faking, but it's fear. I understand that the guards are afraid but the way they're taught to deal with fear is with cruelty, not with any kind of— I mean there is the rare guard that manages somehow to overcome it. In fact, this year there were massive, massive, massive resignations because they were told to be crueler and they just couldn't stand it. Several guards committed suicide because of how they were told to treat prisoners. It's just all wrong and the lawmakers are not in favor generally of making it right, but those who are, are repudiated by this gigantic, horrible cruelty machine called the prison system. I remember years ago, about maybe twenty years ago, a man I knew became a legislator and he thought that as a legislator, he'd been listening to things people like me were saying all the time and he ought to go find out for himself. So he goes to the prisons, to a prison. There are many now but in those days there were not many. And he knocks at the prison gates and he says, "I'm legislator so and so and I want to come in and I want to tour the prison." And they said, "No." Just "No. You can't come in. We won't show it to you." And then I remember when John Sharp was the comptroller of the State of Texas. He had this idea that we'd make a lot of money if we put phones in all the prisons 'cause then we could charge the families of prisoners exorbitant amounts of money. And he calculated— I forget how much money he could make. Like a billion dollars a year, nine hundred million a year or something like that by installing phones in the prisons. By the way, it's true. All the other states have phones in the prisons and they do gouge the prisoners and make a lot of money. But our state didn't have any phones in the prisons and still doesn't. They're supposed to get them this year, I think, and make some money. So the legislature said, "Oo, money." And they passed a bill to put phones in the prisons and the prison system said, "No." The prisons are so strong in the state of Texas, they can just say no and the legislature, the lawmakers have to suck it up. That's not right.

CHAMMAH: And why did they say no?

JUDE FILLER: If the prisoners— Okay, there's why they said no and the excuses they made for why they said no. Why they said no is because the prisoners could tell people what was happening in the prisons, then they'd lose the control to do the horrible things they do, which I can tell you generally has a lot to do with corruption. They sell stuff. Practically the only time that they've ever actually done anything about it was when the head of the prison system, Andy Collins, contracted illegally to buy poisonous soybean product from Canada called Vitasoy. He started

buying it. He made a bundle on it. He and the other guys he— When he was fired for doing it, he went to work for the Vitasoy people and eventually was prosecuted and I think may actually have had to go to prison somewhere, probably not the prisons that he should have gone to. The Vitasoy stuff was poison. It caused endless amounts of illness among the prisoners besides diarrhea and headaches and vomiting. Just horrible, horrible stuff happened to them. It was fake meat filler and the only reason he was convicted was he didn't do bids and get contract stuff, not for hurting the prisoners. But that kind of stuff happens all the time and they would lose that ability to get rich and have endless power if the prisoners, they thought, had phones. The ostensible reason was that they didn't want prisoners to be able to call out to their gangster cronies and be able to do deals outside, but they have prisons in forty-nine other states with phones, so there are ways to control that. That's not really the issue and there are lists. Everything is with a list. They can't just call anybody. They have to call people on their list. What it forced prisoners to do was go to illicit cell phones where some criminally stupid prisoner actually called and threatened a legislator as a result of which they've gone into hyper-drive mass hysteria where as bad as it was before, now you even have guards committing suicide at the level of cruelty in the prisons, much less prisoners. For twenty-five years, I found myself in a position of hearing horror stories and people saying well the good news is it can't get worse, and then it gets worse. There was a legislator some years ago who actually tried to make a deal selling prisoners to China. This is for real. He was going to subcontract with China to hold our prisoners and his logic as he used it in his sales pitch was that the Chinese have wonderful prisons and no American would get loose and be able to escape because they don't speak— they're not Chinese. And look how cheap it would be for us. We could get rid of all the Texas prisons and Chinese prisons could keep our prisoners for pennies on the dollar for what we pay here, even though we pay virtually nothing here and use it as our economy, the basis for our evil economy. So that was the main reason it was defeated. All of the communities like Huntsville that make the prison their economy would have suffered for lack of jobs for guards. The idea that you don't send people to a place that is egregious in human rights abuse of their own prisoners just— We already subcontract our prisoners to Wackenhut that has been the subject of numerous human rights violation cases for the way they treat people who aren't considered beneath human categorization, which is to say I.N.S. detainees who theoretically have slightly higher status than American citizen prisoners. The whole thing is— If it weren't so abysmally painful, it's ridiculous. It's ludicrous. And if I were any kind of writer or any kind of playwright, it's the stuff of which theater should be made. For many, many years, I would bundle up copies— I used to spend hours and hours and hours in Kinkos making copies of all of James' letters and all of another friend's letters and sending them to playwrights and screenwriters and movie writers. I sent them to Helen Prejean. I sent them everywhere. I sent them to Dave Chapell. Make movies out of this. This is the stuff of movies but nobody ever did.

CHAMMAH: Well, I feel like I've learned so much from these two sessions.

JUDE FILLER: Come back anytime you want to.

CHAMMAH: Thank you so much.

JUDE FILLER: Yeah. I don't know. I hope somebody uses this someday for something. So you asked— I really didn't answer your question thoroughly, which was you asked about the effect on me of the intensity of this and the shorter answer is I didn't know how to balance my work with some other kind of life. I think I told you last time we talked that I once asked a nun who worked with AIDS patients how they survived the stress and she said, "We don't. We die. We burn out." And that's fundamentally what happened to me. I didn't know how to balance the work with other things. David's mother once said to me that she would wake up every night in screaming terror with that horrible sense that you get that there's someone in the house who's going to hurt you. We've all had that experience for some reason or another of waking up in the night and you find out it's a cockroach or a bird is caught in the chimney or something. Well she would wake up every night certain that there was somebody in the house who wanted to kill her and her baby boy, her son. And there was, of course. There was the criminal justice system in her house waiting to kill her son and it did. I honestly thought we were going to win for many years. It didn't take me too many years to realize that it was going to be a lot harder to get rid of the death penalty than I had thought. In 1993, we hosted the Amnesty International network of coordinators of Campaigns Against the Death Penalty around the country and one poor fool stood up. I was so embarrassed he was from Texas; I couldn't believe it. Stood up and kind of forced the room to commit to our goal of ending the death penalty in America this year. It was just like— oh, I was so embarrassed by the naïveté. 1993, I mean that's eighteen years ago pretty much, pretty near and every year you still see somebody say, "We're going to end it this year." But they did in New Mexico and there are, I just prepared the list for Christmas cards to people on Death Row in Texas. There are three hundred and sixteen people on Death Row in Texas and not too many years ago there were six hundred people on Death Row in Texas. They still kill people regularly here, about three a month or something, but there was a time not too many years ago when it got as high near sixty one year under George Bush who's— Well, the guy in office here has killed more people than anybody else, this guy Rick Perry. And I have no hope for Rick Perry to see things our way.

CHAMMAH: Reflecting on your work not only as an activist but as someone who's engaged with the places themselves, what is so hard about Texas to you? Why do you that think it's different here or harder to repeal?

JUDE FILLER: Well what I was talking about earlier, that ethos. First of all, people that move to Texas, David Powell's ancestors. You know, David Powell, I don't know if I've told you or if other people have told you maybe. Did you speak to his family? David Powell's family is Texas elite. David Powell's grandfather founded East Texas University or whatever it is, the university that's in Commerce. They had a big ranch in south Cambellton, Texas, south Texas somewhere. I mean they were— His Uncle Dan was a legislator. Unfortunately he died in a car accident. Survived, by the way, an assassination attempt, but he died in a car accident. Had he lived, probably David would have never been in this situation. Those people, the founders who came to Texas, they were hardy. They were Tennesseeans largely. A lot of them were criminals. The

people who died at the Alamo were hardy, hardy people. They weren't taking any crap from anybody. And the Comanches were not softies and they wiped the Comanches out. They had— There is something in the Texas ethos that was admirable but it's become perverted and it's not about fairness and justice and equality. It's not about even maintaining Texas. Use it up. They were all about using it up. Take what you can get out of the land and move on. Go take some more somewhere else. They were not about preserving, maintaining, refreshing, improving. They're not about improvements. They're about development and then move on. Let somebody else deal with what you leave behind. And they're not about being kind and generous and soft to anybody but themselves. Texans are really, really proud of how nice they are. I don't think you get that you're nice to everybody. I think you have to qualify somehow. I'm not sure what the qualifications are. When I moved to Texas, there was a popular bumper sticker. It said, "Heart N.Y.? Take I-30 East," 'cause a lot of New Yorkers were moving to Texas. American Airlines moved to Texas. Those were New Yorkers who moved down here. There was another one that said, "Keep Texas Beautiful. Put a Yankee on a Bus." Texas at that point had I don't know, five, six million people and they were largely— They thought of themselves as Texans but even they had come from somewhere else maybe a generation ago, two generations ago and then ka-boom, in the space of ten years it went seven million, eight million Texans to twenty million Texans and those people were Yankees and they liked it here on the whole. They did not change Texas. Texas changed them. They got gung-ho. They moved from little tiny houses where they'd have to use oil all winter long to keep from freezing and jobs went away. The Rust Belt happened. There were no jobs and they moved to Texas and they had swimming pools and big houses where everything was new. They had been living in houses that were two hundred years old or a hundred years old and it was cold in the winter. Here, everything was new and spiffy with swimming pools and then you have to go— You know what I think is interesting, if you fly over Texas, you look down and everybody has a swimming pool in the backyard. Why don't they have one swimming pool that they all share and have community? They don't believe in community. They believe in having it for me and mine. A community is a gated community. You put a fence around your community and you keep everybody else out who doesn't look like you and sound like you and have your same objectives, and look like you. Generally has to be white. Half, half the people in prison on Death Row, half the people on Death Row are not white but half the people in Texas— Let me see. I've got to get these statistics right. Half the people in Texas are not white but you have to combine the Blacks and Hispanics to get that. But half the people on Death Row are Black. Eighty percent of the people on Death Row, I guess, are not white when you combine the Hispanics and the Blacks, something like that. Half the people in prison— It's different. There's prison and Death Row and the statistics are different. So you'll have to check the statistics. It's been a long time since I've looked at the statistics. I used to work with these statistics but I don't anymore so they're old. Even the statistics I have are real old. But what it boils down to— A long time ago, fifteen years ago, there was a man in Georgia who went to the Supreme Court and argued that he was on Death Row because of institutionalized racism and he presented the statistics, which were incontrovertible, and the Supreme Court said, to give him sort of credit, Justice Black after he retired said he regretted this decision because— and that he regretted the death penalty, which he had voted to reinstate. But the Supreme Court

justices agreed that he had proved that the death penalty is racist, institutionally racist, but they said the argument would also prove that the prisons were racist. And so they would not overturn the death penalty because they would have to overturn the prisons and how could they do that? Now Justice Brennan, when he heard that argument, said, "But if it's wrong, it's wrong. What is this fear of too much justice?" But he wasn't sitting anymore at that point so there wasn't anything that— excuse me, I've got an itch— that anybody could do about it. There are numerous studies that show that nationally our prisons and our justice system are racist but to deconstruct it would be a formidable task and the powers that be and the judges don't— I mean they often do say it's wrong, we have to change this but then they're overturned on appeal and it gets to the Supreme Court and the Supreme Court says, "Well, too hard. Can't do it." But that's why it doesn't work, because you have to say it's really hard, we have to do it because it's the only way we'll get back to right so that things will go right in the future. And unfortunately the problem then you get into is capitalism. There's too much invested. There's nothing wrong with capitalism if the other stuff had been done right in the first place, the checks and the balances that the system was supposed to have. But if you have corrupt checks and balances, then you're out of whack. Once you're out of whack, then out of whack takes over. That's the law of— That's the natural law. The philosophic law can't function if the natural law isn't protected. Does that make sense to you?

CHAMMAH: Absolutely.

JUDE FILLER: It's the same with the environment. If you don't protect the natural law, the capitalist chemical law will take over and go out of whack and poison us all. And the fact is if you care about your children, you should go out there and fight for systems that preserve. But things are so out of whack that that people out of fear are convinced— I had in my own neighborhood the other day, did I tell you about that?

CHAMMAH: No.

JUDE FILLER: I thought I did. In my neighborhood, my neighborhood voted to reject development of a nearby housing project that would have supported low-income people because they were frightened by fear-mongers who said, "If we support that project, they'll put recidivist criminals and drug addicts in it and then our children will be in danger." It's just not true. None of it is true from the get go. If you want to support your children, you want to have a good project that provides good housing to good low-income people and is supported by good support services and public transportation so that people won't be low-income anymore, won't be homeless, won't have difficulties, won't need to—

[END OF TAPE 5]

[TAPE 6]

JUDE FILLER: I'm doomed to—

HENERY: Hopefully not. Please don't say that.

CHAMMAH: You're not doomed to silence. It's going?

HENERY: It's going, yeah.

JUDE FILLER: So these people sent out a newsletter to the neighborhood claiming that a hundred percent of us are against this. I said, That's ridiculous. I'm one. I'm not against it so a hundred percent is no longer. I looked around and I immediately counted up six other neighbors that I was sure were not against it. I went and talked to them and we wrote letters saying we're not against it and they sent us a delegate from the neighborhood council. And I said, Well I'm surprised to see you, Bill. I was sure you'd be with my point of view. He said, "Well yeah, I sort of am but I have little children and I don't want those people living down the—" I said, Oh Bill. Just having little children has perverted your thinking. Stop a minute, let's think about this. You want good stores. We have no stores near by. You want stores. You'll get stores if you demand stores, you know, businesses, shops, services. You say if your going to have this housing project, we have to have good services. We need a laundromat. We need a grocery store. You want those things. "Yes," he said. "I want those things." Well you're not going to get those things because you don't have an argument for why you should have those things. Here, you have an argument. You can have this development if you allow us to have these services and stores here. You want public transportation, don't you? "Yes, I want public transportation." Well you'll get public transportation if you demand it to go with these developments. But if you don't, you're going to have a slum there and with a slum, you'll get all the things you're afraid of. He said, "I guess you're right. I hadn't thought of it that way." It was the fear. It was having little children and the fear-mongers and all of a sudden that's what happens. The politicians, not all, but the demagogues scream things that frighten normal people. People are ignorant; they don't know the truth. They hear the demagogues so they vote for the demagogues. The demagogues are all about just making money, having power, being corrupt, getting stuff for themselves. They don't care about the future. Oddly enough, people say, "Well they have children, too." Well yeah, they do but I've got to tell you I've known a lot of demagogues in my life 'cause I used to be a corporate executive. I worked for people, leaders of major American corporations many of whom were not nice and trust me, didn't give a flip about their kids. They didn't even like their kids much less their grandkids. They don't care about the future. I told you, they used to have bumper stickers on their cars, "The guy who dies with the most toys wins." These are the people running the show in a lot of cases and they don't care. And people will listen to them because people don't know the truth; they don' t know the facts. I had some guy argue with me recently. I bought a car, very nice guy sold me the car. And I bought a Prius and he wanted me to buy something else and I said, Well, I'm concerned about the environment so I'm buying a Prius even though I'd rather pay less and so on and so on. He said, "Well, it's not us

that are ruining the environment. It's the Chinese." I said, You think so? Have you looked at the numbers? Do you know that eighty percent of the world's resources are used by us? He didn't know. He's just listening to the politicians who are telling him it's the Chinese. Now it's true that there are a lot of Chinese and it's true that the Chinese pollute like mad, but they still don't pollute as much as we do and there are a whole lot fewer of us. And I don't make up statistics, I just read them.

I think I did— Well I did tell you this story. I'll tell you again that Eleanor Roosevelt, I new a guy who was a student at Cornell when Eleanor Roosevelt used to hold her teas for— When I lived in Dallas, this guy was about eighty and he told me a story of when he was a student at Cornell and he was invited to one of Eleanor Roosevelt's teas. And there all the students would sit around on the floor and she'd serve them tea and cake and chat with them. And he said he asked her when it was his turn to ask a question, he said "Misses Roosevelt, you and President Roosevelt were from a very privileged class. You had anything you wanted to have and you were not acquainted with people from lower classes or other communities or other ethnicities. How did you come to hold the views you had and do the things you did with regard to social justice?" And she said in that absolutely ghastly voice of hers, which I love to imitate so I will. She said— I can't. My voice is giving out. "Young man, when the president and I were young, we learned to read." So you know, you can read stuff and know things but you have to consider your sources. And so very few people read and very few people consider their sources and our schools are so grossly ignorant— I mean that doesn't sound like a sentence, our schools are ignorant. Our schools teach ignorance. They didn't used to. When my parents were in school, they learned to go to original sources. They were taught Greek and Latin and they read Greeks and Latins. Well that sounds like something George Bush would say. You don't read Latins, but— I suppose in a sense you do but— Remember, he made that crack about the Grecians when he meant the Greeks? They know now things about the founding by Europeans of this hemisphere. They used to think that Europeans founded this hemisphere. Turns out, they know now that the western hemisphere had a bigger population, more technology, higher levels of science than Europe and Asia but they still teach the same old crap in our schools because the people making the decisions about what they teach are utterly ignorant. It's just— So the real answer to your question from awhile ago is that it's not the tension, it's not the stress of the work that's demoralizing. What's depressing is the state of the world. What's depressing is the people in power you have to deal with and I find a great deal of inspiration, I found a great deal of inspiration among the men on Death Row, many of whom, the ones who aren't miserably mentally ill or intensely retarded or psychopaths or loathsomely criminal, and there are those, but the ones who are left, there are so many brave, brave, brave people who were I in their situation, I might in a cowardly way commit suicide. What they deal with is mindbogglingly cruel, depressing beyond words and yet many of them will write, like Beathard, beautiful essays, songs, poetry, Carl Kinnamon's artwork. There are people who rise to a level of human endeavor, to a heroism, creativity beyond anything I'm capable of that is inspirational the way nobody out here is and that's what brings so many of us to the work and keeps us there. And there are people I know on both sides of the wire, inside and outside, who qualify for saint-hood, who— I mean Kathy Cox, I can take or leave the Salvation Army but I thank whatever powers there are any time I think of it

for Kathy Cox, who is a saint among us. David's last attorney absolutely, absolutely qualifies for any kind of sainthood. These people, the death penalty lawyers, the good ones, there's a spectrum among us all. Any group of people there's going to be a spectrum, people you like and people you don't like. Steve Loesch was a difficult human being. At my kindest I say difficult but he was a hell of a fine attorney and he worked his heart out for something he believed in. Dick Burr is a saint among humans. I don't know if he's the greatest attorney on earth but he's one of the greatest people I ever hope to meet and I don't know where else I would have found that. Maybe anywhere. I went to business school. I was one of the first women to go to business school. Women were not allowed in business school and when I came out I really didn't know what was out there and I took a job at a major American corporation just 'cause they were going to pay me so much money and I didn't know what I was doing but I thought I'll learn from that just as well. The week I started graduate school, I was offered a job by [inaudible] running a social services agency in a slum in Boston and maybe my life would have been better in the long run if I'd gone there instead of there. I know in that social service agency dealing with extremely low income immigrants in a very, very, very, very segregated part of Boston that I would have met people I didn't like and I would have met saints. They're everywhere. In Amnesty International we were taught that you never to compare torture. One woman's head has been submerged in a bucket of shit repeatedly while she was raped with mice. That's a true story. Another guy's fingernails were pulled out while his teeth were broken off with chisels. True story. Another person's children were gutted in front of her, a true story. How do you compare? You can't compare torture. You can't compare one person has breast cancer, another person has uterine cancer, another person has prostate cancer, another person has neuroendocrine carcinoma. You can't compare. They're all equally part of life and horrible. But what I say about the death penalty is that what made it for me a pivotal place to apply pressure for something better is I think it's infectious in a way that may make it a linchpin. You know what a—

CHAMMAH: Mmm-hmm.

JUDE FILLER: Am I right that it's a keystone.

CHAMMAH: Mmm-hmm.

JUDE FILLER: The thing that if you move it, it moves everything else. I'm not saying that the other things aren't equally valuable. I'm not saying that people who work for Big Brothers and Sisters ought to stop taking little children to the part and should go fight the death penalty. Yes, more people should but it's because I think it's the linchpin if that's the right word or anyway the keystone. So my life might have come out better if I'd stayed in Boston and done that neighborhood thing or maybe someone would have slit my throat the first week and I never would have done what I did. You can't tell. You can't know. The amount of pain that working against the death penalty has caused me personally is pretty bad. Had I known, I probably wouldn't have done anything different. The payoff when I did the work for me it was rewarding work, more rewarding than anything else I could imagine doing for me. The day— I knew a man, he wrote me from prison somewhere in Texas. He wasn't on Death Row. I don't

remember what he wrote me. I remember that it was extremely illiterate, lots of big letters written in print, not real comprehensible but I wrote him back the information I thought he needed. I don't remember what it was. And I was sitting in my office and my secretary came running back to my office and she was terrified. Not much terrified my secretary and I came out into the lobby and there was this man there, clearly a little worse for wear on a bottle of gin or something and I asked him what his business was and he smiled at me with this beatific grin. He had one tooth; I don't think he had more than one. I mean there might have been some back here in the chewing area but there wasn't much up front. He said he'd come all the way to shake my hand, all the way from someplace not terribly far away, Bastrop I think. He'd thumbed most of the way, he walked some of the way, he'd taken a bus a little bit of the way and he was this man who had written me from prison sometime back and he'd come to shake my hand for what I'd written him, for treating him like a human, for the work I did. It was automatic that once I'd written him a letter he went on our mailing list so he'd been getting our newsletter for some years. So I invited him back to my office, stank to high heaven. My secretary who was an extremely neat person did a lot of cleaning that evening. And I sat with him all afternoon that day and some years later at his deathbed. From time to time he would write me over the years often from prison because the first time he went to prison he was sixteen. By the way, I thought he was an old man. At the time I was about forty, maybe forty-five and I thought he was an old, old man and I think he was my age. I think maybe a little older. Maybe he— I'm fixing to be sixty-two and I think he would have been maybe sixty-five, seventy. Wasn't much older than me but I thought he was sixty then. And the story he told me was one of the most touching stories I ever heard and certainly typical of so many people I knew.

He was playing with some boys— He was playing with his best friend and they were attacked by some other boys who threw stones at them and one of the stones hit his friend and killed him and the police car came and the other boys ran away and found him holding his friend, who was dying in his arms and they sent him to prison for murder. They nailed him for murder. It was his best friend. He was just a boy in prison and he was abused as boys are when they're sent to prison and it got to the point where he knew he would be killed and that happens. I've heard that a lot from prisoners. And it came to him that the only way to save his life would be to take another life because if he were found to have murdered another prisoner or killed another prisoner, he would be taken out of that prison and sent to federal prison, which is a lot better that state prison in Texas and so he killed. He told me this story. So then he went to federal prison. Then he came out eventually and he married and he had children and then he was sent to prison for something else because that's what happens. Once you're in, you're in over and over and over. They get you on technical violations. I knew a man who was sent back to prison because after visiting his parole officer, he got on a bus— He was supposed to see somebody that afternoon and he got on a city bus and went home, had some lunch, and went back again and his parole officer said to him, "You were supposed to be here all day." And he said, "But I didn't have anything to do here after I saw you until two o'clock, three o'clock, whenever it was. So I went home, got something to eat and came back." And she said, "You just don't get it, do you? I told you to stay here all day." She sent him back to prison for ten more years. She wanted him not to think; she wanted him

to follow orders. And there's no redress for any of that. It's the way the system works. Well this man I knew, the next time I heard from him was he was in prison again, Hays County. He was living in Hays County and he had bought a trailer from somebody to put on his property. Well a sheriff came along and said the trailer was hot so they sent him back to prison for buying stolen goods. The next time I heard from him it was from his sister. They needed an attorney, could I help them find an attorney. This went on for years. One of his kids, severely mentally ill, had stabbed one of his other kids and they needed an attorney. The kind of sort of Boo Radley thing where she had a scissors and brother walked by and she stabbed him. It was one thing after another. I didn't hear from them very often and then eventually one of his sisters called to say they needed help burying him and I guess I didn't see him alive. I went to his deathbed to bury him, not to talk to him again. But those people, I knew so many of them because once I knew about Death Row then I got to know about prisons. Once I knew about prisons, then I got to be able to associate all of that with my job, which was about hunger and homelessness and affordable housing and a lack of medical care and all that stuff, that is was all connected. And I found that man inspiring because he was not stupid and he was relatively illiterate but not ignorant. He just knew about— He was knowledgeable about things that we didn't know about. We knew about botany and Renaissance art and twentieth century symphonic arrangements but he knew things about Texas that I needed to know to understand why this happens and he could tell me about that. He could tell me for hours about it first hand and I thought that his story was valuable and I respected him for telling me and for what he had to tell me. He appreciated that and he respected me for what I did and I don't get a lo=t of respect from the powers that be and he didn't get any respect. I once went into the legislature to tell them what I knew when they were making a bill, laws about this stuff and I was there when they opened up at eight in the morning and I was there at midnight because they didn't want to hear me. They kept moving me to later. First they heard the big shots, the corrupt guys who sold poison soy to prisoners. They listened to them first. And then they heard, they went down the line of rich people and the only person they left for after me was a homeless man, a deranged homeless man. And they heard him and they heard me because the chairman of that committee said they would stay there until the end and they were the only ones there, them, and me, and this homeless guy. And I stayed after I talked to hear him. And they were rude to us. They were angry at us. They wanted to go home. They were hungry. They were tired. And my colleagues didn't stay to hear me, the ones who were well-heeled advocates from national organizations or had Ford Foundation funding. They had no solidarity with me and that homeless guy. They were willing to advocate for children but when a child has been abused and grows up to be somebody we don't like, they're not interested anymore. And a lot of people, by the way, on both sides of the revenge issue call themselves Christian and it doesn't matter one iota that their god was executed.

[END OF INTERVIEW]