

Texas After Violence Project

Interview with Ms. Lee Greenwood

Date: August 27, 2009

Place: Walter Branch Neighborhood Library
Houston, Texas

Equipment: Sony mini-HD DV camcorder; Sennheiser external microphone

Recorded on: Sony mini-DV cassettes

Interviewer: Lydia Crafts

Videographer: Kimberly Bacon

Transcription: Nancy Semin Lingo

Reviewed & edited: Lydia Crafts

CRAFTS: Okay, it is August 27, 2009 and we're here in the Walter Branch neighborhood library in Houston with Leah Greenwood. I'm Lydia Crafts. I'm doing the interview and Kim Bacon is doing the videography. And do you consent to this interview?

GREENWOOD: Yes.

CRAFTS: Okay, great. Would you mind talking a little bit about your son growing and some of the experiences you had with him growing up, and telling us a little bit about him.

GREENWOOD: Joseph is the third child of five. He is the second son, kind of quiet in his demeanor, excelled in all sports, very outgoing, very humanitarian traits. If you were bullied or in school, or just pretty much a loner, Joseph was going to be your friend and maybe even take up your cause. He loved sports. Academically, average student. Very well liked by everyone, especially the ladies. He always read a lot. In high school and middle school he played the violin. He and his brothers participated in Boy Scouts, but soon learned that we as a family did more camping out than the Boy Scouts, which was fine for me because Boy Scouts can get quite expensive and at that time I was a divorced mother raising them. I believe when Joseph's father and I divorced, he was probably seven or eight maybe. That's just a rough estimate. But no problems—he and his brothers and his one sister enjoyed staying at home. Being a young parent and kind of growing up with the children, we had a lot of fun. So we were close-knit, the kids and I. We did a lot of outdoor things, fishing, camping out and in the summer, the kids and I would load up in the car and go on a road trip, like maybe to the Davis Mountains, or to states that were nearby, like Louisiana and Oklahoma, and do the nature thing. We have always liked that. Joseph did not give me a discipline problem as a young adult, which came as a big surprise or shock to me when I was called and told that he had been arrested. It was totally out of character for him. But as he was later to say, for about three, four months of his life, he was kind out of out of control. He was a young father, a young husband, and I believe he explained in the last interview that a KPFT reporter did, that when you are a young teenager, you desire to be grown and live in the adult world and once you are in that situation, you find that it's not very easy to do. So, things got just a bit out of hand, and he participated in the robbery that he was later

tried and convicted for. Joseph's case was that I believe will go down in history as a landmark case that was grossly mishandled. He was grossly misrepresented. One of his attorneys was even disbarred because of his case. A lot of things—well, a lot of judicial prejudices, I would call it, happened in Joseph's case. But it is par for the course for persons within a certain racial and socioeconomic arena. Justice comes with a cost, and most times, most people just don't have that cost and do not realize, and are naïve as we were as his family and as most families I would venture to say, of most death row inmates, who thought, well, this is America. Justice is justice. But that is not so. Justice has a price tag on it. If you look at the facts of the case, it will leave you with a question mark in your mind. How could this happen. But as it was, Joseph was tried twice. The young man who was also involved in the robbery, who ended up killing Mr. Shaffer told the police from the day he was arrested that he had shot and killed Mr. Shaffer and that Joseph was not even in the building when this happened, and later he was to find out about it on TV that night. Well, trying Joseph in the first trial, they tried him under the law of parties. And I'm sure you're familiar with that. The jury did find him guilty under the law of parties, which you can understand after reading the law of parties. But they hung up in the punishment phase. They said they could not send a person to prison for life, nor give them the death penalty if they had not been the actual killer. So that was declared a mistrial. Ironically, just a few months after that verdict, I think it was the first of September that year, the law came into being that in a life or death situation, in the case of a hung jury, the defendant would be given the lesser sentence, which would have been a life sentence. We were told at that time by the attorneys that were representing him that they had asked that the law be made retroactive to Joseph's case and we were later to find out that was not true. They had not asked that question, so just a lot of things that you learn as you go along. If you had known prior, you maybe could have helped more, or would have known better things to do. Being a layperson as most people would be, you just don't know. You believe in the justice system and soon you get a very bad taste in your mouth for the justice system. We were later to learn we could have—that Joseph could have asked that the attorneys be removed from his case when it was seen that they were not representing him properly, that questions should have been raised that were not raised, that objections should have been raised that were not raised, and even go so far as to the judge that presided in both trials.

It leads you to believe that how could someone sitting on the bench allow such things to happen, but he did. If you ever have the occasion to just go down and sit in on a capital murder trial in Harris County, let me stipulate that, there were a lot of things that you will see go on there that you will never witness in any other state in the union that has the death penalty on the books. It is quite scary.

CRAFTS: Do you want to talk about what some of those things are that you witnessed, or talk a little bit more about that?

GREENWOOD: Well the mockery that the prosecution made of the various people that were very credible witnesses in Joseph's trial, witness to his character and the kind of person that he was, the kind of young man that he was. His high school football athletic coach, from both schools—from Madison High School and from Clear Creek High School were ultimately the last high school that he attended, the many scholarships that he was offered from the very large colleges in the nation, just for him to come in and play ball for them—things of that nature. That was, in my opinion, slight remarks were made about that. Remarks were made about how many family members sat in the court each day. And usually there would be fifty or more family members in court every time he was in the courtroom. Well, if you just cruise the courtrooms, most times the defendant is there by himself, so I guess they found that most unusual that we were there. At one point, I remember the prosecution. He was saying, "Look at how many family members sit here every day. Why aren't they out working? I guess they're out stealing, too—"and things like that were allowed to be said. It just gives you a really—jolt as to what does go on in court when it's supposedly under the skies of justice. You, as a parent, blame yourself a lot because you said, "You know, if I had known this, I probably would have done this." His dad and I sat there just like most other parents, I'm sure, not knowing what to do or how to do it and relying on attorneys, which is so far wrong. I will tell anyone, if you're in that ballpark, try to research all you can about the attorneys that are representing you and the justice system and their track record that you are being subjected to. We sat and watched them make different innuendos about Joseph being from a biracial family, and he was not. Joseph's dad is of Louisiana Creole descent and is blond and looks like you do, what's left of his hair.

We went to high school together and we married young right out of high school.

CRAFTS: Where did you grow up?

GREENWOOD: Baytown, which is thirty miles east of here.

CRAFTS: Okay.

GREENWOOD: But anything distasteful, the prosecution seemed to have been allowed to say it. A lot of things go on in Harris County that, as I said, does not go on in other places. Harris County is in a league all its own. Texas is in a league all its own. There's a lot of money in prisons. The rate of—I have not or don't remember the rate of recidivism in Texas, but I'm sure its high. The prison system as I understand it has never operated in the red. And I can understand that. As long as you keep the prisons full, Texas is making money. I think it's ludicrous when you think about the many people that have been in prison who have life sentences that are now old men that either have dementia or are senile or invalids and they're still being kept in prison. There's something wrong with a society that does that to its people. In a lot of cases I think it says very little of these United States and systems, and the states that have the death penalty and harsh sentences on its books that say there are no redeeming qualities left in our citizens. No wonder the European countries and other countries look at us with—I don't know how they—well I do know how they look at us, with a bad taste in their mouth and wonder how can that happen. Well, it does. You will find that the most avid protestors against the death penalty in the United States are people from other countries. And that shouldn't be. We're living it here and we should be more outspoken about it. There is an article that I ran across several months ago that Amnesty International had written and I looked through there and was thumbing through, and here were facts about Joseph's case, as a case that had been in my words mishandled and was an example of a gross injustice.

CRAFTS: Okay. Thank you. Do you want to talk about, you said there was a period of time in Joseph's life when this happened when he was married and things got out of control. Do you want to talk about that time? How old was he when he got married?

GREENWOOD: He was eighteen, I believe. He must have been seventeen because it was his last years of high school, and this offense occurred when he was nineteen. It occurred in October and he just made nineteen in September of that year, which was 1980. Being a young father and husband, going to school, studying working, and practicing football in the evening, and coming home rather dog-tired and just not, I guess, paying enough attention to the wife. You know, so things kind of started to go downhill. And I know about the long hours he kept, and then trying to get some sleep because he and his wife and child lived with me. We lived in Friendswood at the time. So I know about that. And later she was to leave him, as a lot of young marriages do break up because of various reasons. And that devastated him. So you kind of—the misery loves company thing, you tend to get with people that are having a lot of problems too and I think a lot of young people don't know how to handle those problems, whatever they may be, and it has been proven through research and whatever that a young man's mind really does not develop until his mid-twenties. So, then he had just, he was just over the line for being a juvenile when the offense occurred. I was reading letters that I get from time to time, just this week from a young man that, for some unknown reason, and I say some unknown reason to me, because I find it very suspicious that Governor Perry commuted Kenneth Foster's sentence. I do believe that at some point in time we will find out what was behind all that. It may be the fact that he is going to run for some kind of governmental seat other than just being governor. But I do believe it was not out of the kindness of his heart. I do not believe it was out of the kindness of the board's heart to recommend it in that case because it was a case not too different from Joseph's. So I believe that at some point in time, we will know why those things were taken—why those steps were taken. There have been so many that have gone before Kenneth Foster and Joseph and so forth, that had various irregularities going in their cases that should have fit into that slot, and clemency was not recommended. So there's something somewhere. I lost my point. But ultimately those were Joseph's own words, for just three or four months there, he was just didn't know what to do and just kind of got off into a bad drug scene with other young men, and this happened. There is always a consequence for every action that we take. And he paid the ultimate price for a poor justice system and a poor decision on his part. As he said, it is what it is and you have to deal with

whatever the situation is, and I don't know today how he was able to do as well as he did. You never saw him where he did not give a smile when you went to visit him. He was always very, very encouraging to anyone and everyone around him. I read letters—I could pull letters at any time from different inmates that had written me and told me how he helped them. People from other countries, how he helped them recognize this, who he helped them get over bad spots in their lives and he never asked anything for himself. And that was the way he was. He never thought of himself. He always was thinking of the family, how it affected them and how it affected all of us, and realizing that as a lot of people I think do not realize is whatever action you take in life, it kind of trickles down to the people that care about you and the people that are close that are your family. He always realized that and recognized that and always let us know that he appreciated our support. And you meet so many people that don't have that support system. They don't have anyone. So he was a person as he was before he went to prison, he remained such. He was always one that was giving back to people. He never gave any consideration for himself.

CRAFTS: What kind of things in the letters did they say that he made them realize?

GREENWOOD: Since we spoke about Kenneth Foster, I was reading this week how he said that Joseph kind of took him under his wing and taught him things about himself that he didn't know and made him see a lot of things that he didn't realize. And gave him guidelines that he should go in his life by. And, he was thanking me for Joseph. And saying that he would never forget him, that he had given a lot of life skills. That's kind of how he was. And he also mentioned that the only thing Joseph ever asked was that you be true to yourself and better yourself. He said you would think that he would ask something for himself, but he didn't and that was true. He did not. There is a young friend of his that used to write him from England. And that same day this week I was reading her letter as to how she said he was a teacher to her and taught her many things, and taught her to look at herself in a truthful way instead of through rose-colored glasses. And how the things that he taught her will help her throughout her life. She teaches those things to her children, who are now young adults.

There is a young woman that was his very first pen pal that lives in Germany. She was very, very—as you know, most German women are very tall and built well [COUGH] and she had a lot of insecurities. She spoke about how she knew she never would have finished high school and college and gone on and finished medical school without his teachings and without his support. So they remained pen pals through all those years from the time she was in high school until the day he was no more. I often get cards from her, phone calls from her and remain close in those years. There's another young man that was from England. He was a teacher and he spoke about how Joseph made him realize that you have only one life on this earth and you should live your dreams. So he got out of the classroom and the last I heard, he was doing some exploration in Antarctica. So just things like that. There are many. On my birthday usually there are several inmates that will send me a card and it's just out of respect for Joseph, and I know that.

CRAFTS: And he spent a lot of time, he was on death row for a long time.

GREENWOOD: From 1982 to 2007.

CRAFTS: Right. Did you see any transformation while he was in prison? What effect did that have on him being on death row for such a long time? Can you talk about that?

GREENWOOD: When Joseph went to death row, he was angry. He spent two years in the county jail where—that's a horrendous place to be, too. But over the years, you will see, and you can tell in his writings, the anger—let's say it didn't go away, it was just put in a better place, or funneled, that energy was funneled into helping others and adjusting to the hand that you'd been dealt. You can do two things. You can succumb to your surroundings or you can adjust to your surroundings, and as he would often say, "They can confine and restrict my movements, and in prison my movement, but they cannot imprison my mind." And he was a prime example of that, if you talk to anyone that knew him. He was basically a quiet person. On the row, they used to refer to him as the "Old Man" because they thought he felt like an old person. He had a very deep voice. He was not one that was prone to idle chatter, as one young man said, when he said something, it was something you needed to stop

and listen to. So he kept that reputation throughout the years. I had a guard tell me one time, she said, because a very close friend of his passed away. And I had to tell him that day. And she said, "I tried to talk to your son and ask him if he was okay," and I guess she tried to do a little idle talk to him, and she said he immediately told her, "You don't know me that well." That's the way he was. If he was your friend, he was your friend. If he saw something in you that he chose not to be around, he would not be around you. He was usually very serious. He had his lighter side, but he was always thinking and that I think pretty much I'm that way too because a lot of times you can ask me, "What are you thinking? I know you're thinking. You're mind's always going." He just was a person that if you ever met him, you would not forget him. And that's not just because I'm his mom. I've been told that many times. Once you know Joseph, you will never forget him.

CRAFTS: Would you mind talking about the night when the incident occurred and how you found out about that, how that happened?

GREENWOOD: It happened in the morning. I was living in San Diego at the time and my daughter called me. It was a few days—I would say a week before he was arrested, maybe a week or so. She called me hysterical, that he had been arrested and was being charged with capital murder. I just remember calling the airline and booking a flight and throwing some things together and getting on a plane that day and coming in, and meeting his father, and we immediately went to an attorney. And I can remember getting moneys together and you sell everything that you have that you think can turn into money right quick, and I guess as I look back on it, I probably looked pretty strange that day because I brought it all here in cash and I was kind of clutching my purse in an odd way, as I look back on it, because you—I don't know, there's no way that anyone knows that you're carrying a lot of money on you, but you just think that. And I was so overwhelmed with the news that I just—you have no idea what kind of feeling you get and how fear sets in. And, "What am I going to do. What are we going to do? How do we handle this?" I'm a person that—I may fall apart in private for about two or three minutes but when the problem is at hand, I'm just, (laughs).

CRAFTS: What did he say during this time? Did you get to talk to him at this time?

GREENWOOD: I did not get a chance to see him that day, I saw him the next day. And if I can remember, he wasn't very talkative. He just knew that he hadn't killed anyone and he was being apologetic for being even a part of the robbery. And of course being in the county jail, you don't say too much. You never know who's listening. So that's how that went about. I saw him every day after that until I went back to San Diego, and then came back again for the different hearings and trial and whatever. So I went back and forth and finally in the latter part of 1983, I moved back. I was just going, going, going and trying to work too.

CRAFTS: Can you talk some about the trial? You talked a little bit about what that was like. Can you talk about what you were thinking during the trial, or just a little bit more about your own experience during the trial?

GREENWOOD: During the trial, I was actually thinking, still thinking that we had a good system, that he would possibly get some prison time. Never thinking—I knew what was on the table, the sentences that he could possibly get, but just naïve. And you think, you know, well he didn't kill Mr. Shaffer so he's going to get some prison time for attempted robbery but certainly the truth is going to prevail. So you do a lot of praying and you listen and you think about what the next step is, and you take the advice from the attorneys—which I'm sure most parents of children in this situation have learned, that's not good. You just kind of sit there and listen and because you're basically as a layperson ignorant of the law and how it works, and how court proceedings are handled, you are at a total disadvantage.

CRAFTS: And you said there were a number of family members at the trial?

GREENWOOD: Oh, yes.

CRAFTS: How did other people in your family respond to that? Or how was that being at the trial with everyone?

GREENWOOD: In the first trial for several days all of Joseph's football buddies came. And they took up two benches. That happened for a few days, and then we were advised by our council that the jury felt intimidated by the young people sitting there, so they were asked not to come back. And of course, they didn't want to do anything to jeopardize Joseph's chances, so they did not. They just would maybe sometimes hang around out in the hall until a break and peek in the door and let him know they were there. But other families, his brothers, his sisters, his cousins, his aunts, uncles, my parents, his grandparents and just we're basically a close-knit family. So both sides of his family, his dad's family as well as my side were there—each day, babies and all. Because we had several people in the family who just had newborn babies and they came, newborn babies in tow, some that had had a hard time had to sit on pillows, and his wife, and she would bring his daughter. And the bailiff during recess would allow him to interact with his daughter. There were some unusual things that happened also. The judge would grant several liberties to him that were not usually done to an inmate. But even then, you could tell that they knew that he was not a hardened criminal. He did not have a juvenile rap sheet. He had just been an average, everyday kid going to school and doing what you're supposed to do.

**CRAFTS: How often did you get to go see him when you were—
obviously after you moved back you probably got to see him more
when he was—**

GREENWOOD: As long as he was in the county jail, we would go every day. Someone would go every day. When he was moved to death row, which was in Huntsville at the time, it's now in Livingston, you could only go once a week. So, someone would go every week. As years went on and on and on, most times you will find that it's the mothers that keep going every week. I don't know why it is but I guess it may be a man thing, but most times dads get really, really—I don't want to say it gets to a point where they just can't stand it. They have to find a way to deal with it in their own way and usually you will see, if you ever have the occasion to visit death row, it's usually a lot of mothers and sisters and girlfriends and wives. And dads and brothers come sometime, because they deal with it in a different way. And that's okay.

CRAFTS: What was Joseph's relationship like with his father before this happened?

GREENWOOD: Well, not as close as it would have been if they lived in the same house—because he had known his dad through weekend visits, during visitation. So they could have been closer but they weren't.

CRAFTS: Okay. And can you talk about, there's the appeal process and what that was like for you?

GREENWOOD: Well, the appeal process. Joseph's first appeal, the attorney that was to write his appeal asked for ten extensions on a deadline to write the appeal. And I believe it was the eleventh extension when he asked for that, they denied him and they jailed him and they fined him \$500 a day until he wrote an appeal. So he wrote an appeal, which is limited to fifty pages, from a jail cell, in the county jail. So consequently, we did not use that one. We retained another attorney who had to hurriedly write an appeal and argue it before the Supreme Court of Texas. Of course, that didn't make us feel well. But that should have said something about the justice system. Later that attorney was disbarred because of Joseph's case. I don't know if he ever regained or obtained his license again. I don't know that. There were several years of appeal. I believe we had two or three—I know two, possibly three appeals to the U.S. Supreme Court. One really, really crucial thing to have an adequate council is that things that are not brought up at trial cannot be brought up on appeal. So it leaves very little leeway most times for an inmate to get help in the federal system. Whereas there are a lot of good points that were brought up in Joseph's case that should have been addressed, because they were not addressed at the trial stage, they were not addressed on the appeal side. And that makes it more ludicrous that a man's life hangs in the balance and that you have such restrictions. There's something wrong with that—something gravely wrong with that. Something needs to be done about that. The justice system is so screwed up. I don't know what it will take to correct it. The thing, there may be adequate laws in place, but it's the human factor that's carrying out the laws and the way that they're being carried out, and the way they're being allowed to be carried out that's so unjust.

CRAFTS: Through the appeal process, what was Joseph thinking? Did he think that he had a chance? What were his thoughts?

GREENWOOD: You have to always think that you have a chance, but as he was to tell me and later the attorneys were too, normally the only relief you can really expect is in the federal courts. You never— you learn through history that the Fifth Circuit is not going to give him anything. The trial court system is not going to give you any relief. At one point, a federal judge here in Houston had ruled that Joseph needed to be retried or released because of the inadequate things and the prosecutorial injustice that had gone on in his case. The Fifth Circuit overturned that. And so people say, “How can the fifth circuit overturn what the federal judges did?” Well they did. They were allowed to do that and that’s what they did. A lot of things go on that you think is very unlawful and most times I believe it probably is. But no one is held accountable for it. So it’s allowed to happen over and over and over again, as I said. The only example I have to point out to you is Harris County, Houston, Texas, which seems to be the most flagrant violator of most all laws. And it goes way back. It didn’t just start happening. And as you go deeper into the South to those southern states that have death penalty on the books, it has been researched and found that the states normally that have the death penalty on the books are the former slave states. That explains a lot in itself. And the prison system, today’s prison system is an extended arm of that.

CRAFTS: During the appeal process, it seems like—it seems to focus a lot on who actually shot the man in the store. Can you talk at all about that?

GREENWOOD: To talk about that, you’ll have to go back to the trial court. When they first tried Joseph, they tried him under the law of parties, knowing that he had not, and had proof, that he had not shot Mr. Shaffer. And having Willie William’s sworn statement that he had shot Mr. Shaffer after Joseph left. And then in the second trial, and the D.A. chose to try him again, in the D.A.’s words, “I’m going to try you until I get you.” Well, they didn’t present any new evidence, new witnesses or anything. The same evidence and witnesses that they used in the first trial to show that he had been a party to the crime, but not the actual killer, they used that same evidence in the second trial, where they tried

him as the actual killer. So I see the question mark on your face, as it is on most persons that hear the story, "Well, how could that happen. Certainly you're not telling the truth until they actually read it." Yes it did happen. And it will happen again in Harris County. I have no doubt of that. It probably has already happened again. Maybe I just don't know about it because I haven't sat in on any more capital murder cases. These are the inadequate things that happen and you wonder where is the justice in it and where are the laws that protect citizens against such things. Well, there maybe laws, but you've got the people in high places that are carrying out these laws in any way that they so deem necessary to obtain a conviction. And that's what they were allowed to do. In 1990, we were able to get, shall I say adequate council, or experienced council in Bracewell & Patterson at the trial. Now they're Bracewell & Giuliani. My question when they chose Joseph's case is, "How can you help him when you are corporate lawyers?" They assured me that within their firm, there were criminal lawyers. There were past DAs of Harris County who were on their staff. Which was so. So they had resources that we never would have had to use. And as you know, there are so many large law firms over the country that do these cases on a pro bono basis, cases they think they can make a difference in. And I'm sure make a name for themselves also. So they chose Joseph's case. From 1990 until 2007, they were his attorneys.

CRAFTS: And what was your experience with them?

GREENWOOD: A positive experience. Every time they filed a motion or habeas corpus or anything, they always—the day that the sent out that paperwork to the courts, they sent me a copy. They were always available by phone. I don't have or did not, still do not have any problem with the things that they did. But as I say again, a lot of—their hands were tied in sense, because there were a lot of things that if they had been the trial lawyers of record, they could have helped. But they could only do so much with what they were allowed to do.

CRAFTS: Can you talk about what Joseph thought about—he maintained his innocence—can you talk about what he thought about the trial, and some of his thoughts about that and how it was handled?

GREENWOOD: Well, as we were, he thought justice would prevail also. But as the case went along and as he talked to different ones that were in the county jail with him, he would learn about things that should have been raised and were not. And after the trials were over, we learned he could have refused council that he had until council was given that we felt were adequate. But at that time, you don't know that they're handling the case improperly. So you kind of are at the mercy of the justice, so called justice system. Just as we learned as things went along and after the fact, he also learned.

CRAFTS: Okay. Would you mind talking at all about the day of the execution and that experience? You don't have to if you don't want to.

GREENWOOD: It's all right. It happened. The day of the execution, or prior to the execution, we were allowed to visit him each day, up until twelve o'clock on the day of the execution. That day, one of the guards refused to—tried to turn his daughter away the day before the execution, so that she was not on the visiting list. That was not so. She was always on the visiting list, because after all she was just a little girl when he went to death row. Well, this ranking officer and I had words, and Joseph had already told us, instructed us what we were to do if we had a problem. So we followed what he said, and the problem was taken care of. She was allowed to come in and visit. On the day of the execution, as a lot of the inmates do, they won't go peaceably. They won't just say, "Okay, here I am. Take me." As it was, they kind of knocked him a round a bit. They disrobed him. Finally gave him a pair of boxer shorts to put on, and that's how they transported him from Livingston to Huntsville, in a pair of boxers, no shoes, no nothing. Shackled. When he got to the Walls Unit he was given clothing to put on. We made the caravan from Livingston to Huntsville [Cell Phone] and along the way they had, I guess there were sheriffs' cars stationed along the way because it was about six or seven cars, and we could not follow him because evidently they took a different route that we did. So when we got to Livingston, of course they had me wait at the hospitality house. And it was about, I guess maybe seventy-five of us that day, family members and friends and we were all piled in there and the hospitality house seemed to get a bit uneasy so one of my niece's said, "Oh don't worry, when we leave, we will leave you a substantial

donation.” Then they allowed him to call the hospitality house and talk to us on the phone. And he could talk to us until five o’clock. And he and I were the last persons on the phone. After a while, he didn’t want to speak to anyone else. He just wanted he and I to talk. And there was still a brief in the Supreme Court waiting to be ruled on and I guess around four o’clock they called and said that the Supreme Court had turned it down. [COUGH] They had also told him, so we didn’t speak about that very much.

[TAPE #2]

CRAFTS: I’m sorry. Can we go back before I started coughing and talk about, you’re in the hospitality house and he calls, and you were talking to him on the phone. That’s where we were.

GREENWOOD: His concern was that everyone be okay, and that everyone know that whichever manner, it happens everyone has to travel that same road and to be assured as he said, “I got this.” No, he would rather have lived. He once said if they had offered him a life sentence, he was of the mind that he did not want that. Already he had done two life sentences as far as the prison system was concerned, and had begun a third. He assured me was okay and wanted to be sure that I was going to be okay [COUGH] and that his sister and his brothers were going to be okay, and his daughter, and just how everyone was going to be and to let them [COUGH] know that as he always told me, “Stand on your faith and be at peace because I got this.” And just let him be a part of the abolishment of the death penalty. And I think that this is happening without any, really without a lot of effort of mind, because periodically his case comes up in the most unexpected way. Out of all the cases that have been mishandled and all of the injustice that has gone on, his case keeps coming to the forefront. So, I’ve been pleased about that. It’s kind of hard on the heart, because when you get in a place that you can kind of deal with it, it comes up again. So, that’s his wish is kind of going on without a lot of effort on my part and I believe that’s because it was such a gross miscarriage of justice. And it’s not his—it’s plain to be seen. If you just read of a few lines of the case, you know, “What happened here?” When you have a question mark in your mind, on your face, and I know a lot of people that have said to me,

“After reading your son’s case, I became a fighter for the abolishment of the death penalty.” And that’s as he wanted it.

CRAFTS: Can you talk about some of the efforts or some thing of the things you have done in terms of participating in the abolition movement?

GREENWOOD: Of course, you attend meetings. There are two abolition groups here in town. And I attend both their meetings from time to time. I go to the conferences. I learn more, and it’s just support and it’s just speaking out against it. And you come to realize that there are so many people that think that they’re exempt. They really don’t realize it can happen to you at any time. You really don’t have to, as you think, be in harm’s way, but you can. I remember talking to a young woman—I think we were in Jena, Louisiana when they had the big protest there for the young men that were in jail there, in Jena, Louisiana. And we were talking about the death penalty and she was saying, “You know, they just should take them all out and kill them.” I said, “You know, is that your son walking along with you?” “Oh, yeah.” I said, “Do you know, he could be in that very same position.” “Oh, no he can’t.” “Oh, yes he can.” “He doesn’t do anything. He’s at home.” He doesn’t have to be. He doesn’t have to be, and I think that’s when the populous realizes that, that no one is exempt from it, I think it, we’ll get on a faster road to abolishment of it. Until that time, it’s going to still be on the books and as I said, I believe Texas will be the hardest state to die.

CRAFTS: Can you talk about why? Just explain why.

GREENWOOD: It’s the mentality of the residents. It’s a southern state. It’s an old slave state. Slavery is not always defined by color. As long as you are below or just above the poverty line, you’re at risk. You don’t go to death row and see any rich man’s son on death row. They don’t even go to trial. And a lot of them have done horrendous things. It is swept so far under the rug and paid off so much until it’s—it’s a good old boys system and it remains as such. We have a little chocolate syrup poured on top to make it palatable to the citizens, but it’s still there. And I believe it will always be there. But I believe that it will be dealt with. I would rather it be sooner than later. I would rather it have been before it took Joseph, but that wasn’t so. It wasn’t to be. I think that everyone is

predestined for certain things. And no matter how we get there, whatever our predestined path is, that's what's going to happen. I do believe in God. I do believe that he has, as Joseph said, the last say. We don't always feel happy about what the last say is, but if you truly believe, you don't want to question that. As Joseph say = you deal with it, and that's what we've had to do.

CRAFTS: What religion are you?

GREENWOOD: Christian.

CRAFTS: Was Joseph religious at all?

GREENWOOD: Yes.

CRAFTS: And you're writing a book now?

GREENWOOD: No, I'm not writing a book. It's Joseph's writings. He wanted me to write part of it and I said, "No. I can't write a book, but I'll do as he asked." And I will put some things in there but it is things that he compiled and I will put it in book form and as I said, my target date to get it out is March 2010. That will be three years after he was gone.

CRAFTS: Can you talk about what some of those writings involve that he had? Was it writings he did while in prison?

GREENWOOD: Yes they were, and that's all I choose to say about that. You have to read the book.

CRAFTS: Okay, I will. And Joseph's daughter, can you talk about her and what this has been like for her, and how she is, how she is been able to handle it?

GREENWOOD: I don't know how she has been able to handle it because she doesn't talk about it. I can say that the days prior to the execution that she visited him she said that she found that they had a lot of same habits, sayings that they had were the same, and that he taught her and gave her information in those last few hours that she visited with him that will help with her for the rest of her life. He gave her everything

she needed to have a successful life. She is married and she is about to have her first child, which will be born, the delivery is scheduled for September, which is Joseph's birthday month and she happens to have been born on my birthday, which is next month also. So we were talking at the baby shower a few weeks ago and said, "Wouldn't it be ironic if the baby was born on his birthday," which is September 8. That would be something. But she teaches school and last year she was Teacher of the Year in her school district. And other than that, I can't tell you how she's dealt with it because she's pretty quiet about it. So I think she kept a lot of things locked up. As a little girl, she would get very excited when we would carry her to visit him. She would spend—she would recognize the terrain when we would get close to the prison, she would start brushing her hair—she had very long hair, she would start brushing it. She would say, "I am my dad's princess and I'm going to visit him in a little bit." And then as she got older, she kind of drew within herself some, and would not talk to us. She would talk to him and he was very well satisfied with whatever they talked about. I never asked. If we visited him, I would leave them alone.

CRAFTS: I know you said that Joseph and his wife and daughter lived with you. Did his daughter continue to live with you? I know her mom left.

GREENWOOD: Oh, no. No no. Her mom raised her.

CRAFTS: So her mom raised her.

GREENWOOD: Uh huh.

CRAFTS: Okay.

GREENWOOD: I'm a firm believer in children being with their parents.

CRAFTS: It also sounds like he was fairly close with his siblings.

GREENWOOD: Oh yes.

CRAFTS: Can you talk about how this affected them—the trial and the execution affected them? How they've been handling it?

GREENWOOD: Well, they all kind of handle it in their own way. He has three brothers and one sister. He has a half brother and a couple of half sisters. I don't know how they deal with it—my daughter, his sister, dealt with it poorly—the whole scene. She kind of got caught up in the drug scene because of his situation and kind of spiraled out of control there for many years. So he was quite concerned about her and what the execution would do to her. His oldest brother would, when he would go and visit him, for two or three days afterwards, he would be violently ill to the point where he would be nauseous all the way home, throwing up, couldn't eat for several days. It was just terrible for them to have to leave him there, because they were so close. It hasn't been easy for them. But they all kind of, I believe have put it in a place where they can handle it better. His dad didn't handle it very well. As I said, most times mothers suck it up and have to be—you have to maintain a strong character and face for the rest of them because you soon recognize that if you falter, they will too. I never thought about it, but Joseph said in his last interview that the twenty-five years that he did, that he and I did, I guess in sense that is right, would make me old, crazy, and fat. The stress level was very high. Because you felt like your hands were tied. You felt like you had to be doing something, you need to be doing something, but you don't know what. And as it got closer and closer and closer to the day, it felt so helpless, that you would have to sit back and allow it to happen, but there was nothing that you could do. He did not want anyone to witness, but I maintain that, it was he and I in the delivery room and it was going to be he and I at the end. So, finally he consented and it was his dad, his three brothers and I. That was that.

CRAFTS: Do you want to talk about that at all?

GREENWOOD: There's not much to say about that. He looked at us and he smiled, told us he loved us. Said what he said to the guard that had been so ugly and disrespectful to him, closed his eyes and went to sleep.

CRAFTS: I'm sorry. And the days following the execution, what were you doing then? What was happening then? How were you able to handle it?

GREENWOOD: Well, you do what you have to do. We made arrangements. The arrangements were made according to his wishes. He wanted to be buried. His brothers and his dad are cowboys. They love horses. They have horses. They ride every weekend. They are outdoorsmen. He did not want to be dressed in a suit. He did not want, as he said, some preacher that didn't even know about him trying to officiate over him. He wanted everyone to be casually dressed. He at first told me, "You know, mom, just cremate me and just scatter me out on the side and let me help the trees grow." I said, "Well, you know that won't happen." So he wanted to be buried in a pair of his brother Byron's jeans. He said, "I know you'll have to roll the cuffs up because Byron is the tallest of all." Joseph is average height, five-foot, nine [inches]. He wanted no shoes and no socks. He wanted a plain white t-shirt and those orders were followed except his t-shirt in the back said "Nichols territory." And that's what his brothers ride under. Their last name is Nichols, so the barn where all the horses and things are kept is Nichol's territory. So that's what he had on, and before that day, I think Monday or Tuesday, he had his hair cut the way he wanted and he shaved, and that was it. He did not want a lawn service. He did not want a lot of singing and going on. He wanted me to make sure that I gave the people that were there a message about the death penalty and about the things they needed to be doing. That I did, which was very hard. It was a very large funeral. The chapel held three-hundred people and it was too small. He wanted his brothers to fashion his coffin. He wanted it to be wooden. So we told him, your brothers aren't going to build you a coffin. It will be wooden and it was. He wanted it simple. That it was. It was everything that he wanted, it was done. His two favorite books, we used excerpts from that. His most favorite book was, "Jonathan Livingston Seagull." And after that it was "The Prophet." As I said, he read an awful lot, and that was before going to prison, and afterwards. That was it. He was most concerned about the younger people left in the family, and how they would view his case and his actions, and so forth. So we made sure, as they get old enough, they read for themselves, and as they got old enough during that time he was in prison, they cared to visit him and he talked to him, and they were allowed to ask any questions. And that was it.

CRAFTS: Okay. I think that's pretty much all the questions that I have. Do you have any?

BACON: Yeah, I have a few that I wanted to ask. I wanted to ask you to kind of go back to the initial trial. In talking about all the issues that came up that made this such a contentious case, who, in your experience, is accountable for what happened? For this, obviously having someone else be executed for a crime and then having that same issue brought up in your son's trial. It just seems like it doesn't—

GREENWOOD: The judicial system, and ultimately you would have to hold the judge accountable, unless I'm awfully off base, the judge did not have to allow such goings on. I also think that the district attorney would have a part in that because he did not have to allow Joseph to be retried. The jury. The jury was supposedly made up of intelligent, thinking beings, and how could they— but later we learned, unless they were living under a rock somewhere, they had to have read about the case and had to have known he had been tried before. And he had, and that trial had been a mistrial. So I don't understand. In the first place, and you'll have to do research on this, the first jury I believe came from the—I want to say the Pasadena area. Historically the Pasadena area was very prejudiced. There was a time when blacks did not even go through Pasadena at night. It was very known for its Ku Klux Klan headquarters there. And I believe it was the second trial jury that came from the Conroe area, which had the same reputation. But there was two people on the first jury that hung the jury up, an elderly white guy and a young black man. On the second jury, there was not an African American on the jury. There was an alternate, an African American woman, who seemingly dozed throughout the trial. I don't know whether she was on medication or what the deal was, but she was not alert and so that tells you what odds he had. But these were supposedly intelligent, thinking people. But apparently they could not interpret the law very well, or the facts of the case. It was said later that the jury did not know what had happened in the first trial. Again, I say, where were they living? You know, were they not exposed to the news media in any fashion? Because it wasn't hidden on the back pages of the newspaper—in the last days I know three days Joseph's case was front page of the "Houston Chronicle" about the inadequacies and the injustice of the case.

BACON: How did you, how did you deal with all this personally?

GREENWOOD: Being the kind of person that I am—as I said, you pray a lot. I had to think about, at the time my parents were living, makes sense, they are now deceased my father died in 2006, and mom died a year ago this month, last Saturday. I had to think about them. I had to think about my other children. I had to think about my grandchildren, and they see me as, I guess the strong one. And if I faltered, they would have—if Joseph thought that I was not going to be okay, he couldn't stay up to do what he needed to do. So, it was my responsibility, as a mother and as a grandmother. [COUGH] And as a daughter to my parents to appear invincible, I guess, but that's not so. You know, many nights when I closed the door and was by myself, I would have a three-minute nervous breakdown and have to get it together and be ready to face them the next day. It's not easy. One of the hardest things in the world is to watch one of your children die before you, whether it's an accident or illness, it's a different scenario. When a corrupt system takes your child, and say this is the day and the time I'm going to kill him, and they do that, you will have to sometimes, as I put it, think to be sane. I'm not so sure I'm saying it right. I tell them all the time, "You sure you want a piece of this? You sure you want to be a part of this. It can be a little weird sometimes," and sometimes he can tell me I get very quiet. There are things that you can't do anything about and you have to deal with it. There's not a thing you can do about it. If you could, you would. And I think it's a responsibility of many mothers to be sure that her children are okay as much as she can—and that goes for my grandchildren, my great grandchildren, my parents, my sister, I only have a sister. There are no brothers, [COUGH] just my sister and I. And you do what you have to do—like today it took me a long time to say yes, but I had no choice. I had to. If I was going to keep Joseph's promise that I made to him, I had to do the interview.

BACON: We really appreciate you taking the time to talk to us.

GREENWOOD: Thank you for being interested enough in his case to do it.

BACON: Those are just the few points that I had thought of. Because this is for historical purposes and the community education for a

dialogue and getting as many people as possible for these things that are going on, is there anything we haven't covered that you think is important, that needs to be stated, that you want people to know, for the record?

GREENWOOD: I think people need to open their eyes and do the research, and I hate this cliché but think out of the box and look at your surroundings. We get comfortable and complacent in our everyday worlds and really don't realize what can happen to us in a minute. You can be a law-abiding citizen and there are too many examples of good law abiding citizens that were not doing a thing and ended up in prison. I also often think about a man, I can't remember his name now but he was in Dallas and he was coming home from work one night and he was arrested and sent to death row, and I think spent ten years on death row. And all the time the people that he worked with testified that he was at work at the time that a crime supposedly was committed, and it took him ten years to get off death row, Texas. Ten years. I believe he was an engineer or some sort. Somewhere up around Dallas, I believe. But he was accused of capital murder, sent to death row, and it took him ten years. Some people never are free. You hear about all these exonerations now. In those cases there's DNA—there are so many cases where there's no DNA. In Joseph's case, there would not have been DNA. I don't remember in reading the case that they ever did a ballistics report for it, you know. Mr. Shaffer was shot with one gun, the gun that Willie Ray Williams had. He was shot with one bullet, but yet two men pay the ultimate price for it. So. Unless you're a multimillionaire and you get in trouble, you're going to prison, and there are a lot of people in prison that are innocent. You see that form the exonerations, but like I said, there are so many cases where DNA is not pertinent. There is no DNA in the case. So it just goes on. It's perpetual—it goes on and on and on and on. We're going to see how this new DA in Houston is going to handle a lot of things. She's said a lot. One of the abolition groups in Houston met with her and I think she promised some things. I'm waiting to see.

BACON: WHAT WOULD you like to see happen, I mean in the ideal world, or—

GREENWOOD: Not the ideal world, but just, say again please?

BACON: What kind of things could we do to start bringing about these changes that need to happen?

GREENWOOD: Well, first off I think there needs to be education. I think the citizens of this country are in a state that has the death penalty on its books needs to open their eyes and just take a look around, you know, go down and sit in court one day, see things that go on. Realize that, do your homework on the people that are being tried. See what kind of life they have. Yeah, some of them have been in and out of prison a lot, some of them have not—some of them have been just everyday citizens. But we say as a society that our citizens have no redeeming qualities. I believe education is the key to everything. I believe that there needs to be a watchful eye on the so-called justice system and the people that carry out the so-called laws. A lot of laws need to be changed. I think the death penalty should never have been a law because of the corrupt justice system and because of the fact that you can't give a life, so why—men should not have that much authority, they just should not. And with the way things are, when I say the way things are, the corrupt things that go on in the system, how on earth could you have such a law?

[END OF TAPE]