

ESSAY
by doug tjapkes

I saw someone die.

That's not an unusual claim. Many have been at the bedside of loved ones who have died. Many have witnessed tragedies.

This is different, so let me revise my statement. I saw a friend in good health deliberately put to death by lethal injection.

The friend was Charles Anthony Nealy of Dallas, Texas, who would have been 43 years of age three days after the execution.

He was found guilty of murder by a Texas jury in 1998 in, what the Dallas Morning News, called the "fastest death penalty trial in the history of Texas." Nealy swore he was in Oklahoma at the time of the armed robbery/shooting, but the state claimed that a grainy picture from a surveillance camera proved that he was the perpetrator. Never mind that the perp wore a gold chain (Nealy is allergic to gold and never wore jewelry) or that he was wearing a cap (Nealy's hair was styled in corn rows, so he rejected headwear). Never mind that a prosecutor who had been suspended twice before for his pre-trial misbehavior threatened Nealy's nephew with the death penalty if he refused to sign a statement identifying Anthony in the picture.

Our small organization makes no attempt to screen the innocent from the guilty. We leave that up to some 40 Innocence Projects, mostly anchored in university law schools around the country, which have incredibly accurate procedures. The fine Texas Innocence Network in Houston, led by Professor David Dow, provided the last-minute legal work for my friend Anthony. But it was too little, too late.

Our office was alerted to his plight in 2002 by a support group in England. While in Texas for an Innocence Conference in 2003, I made a side trip to visit this Charles Anthony Nealy on death row in Livingston. We became instant friends, and remained in contact over the years.

The jarring news that an execution date had been set arrived last September, and immediately following that came the request from Anthony that would change my life: "I am wondering if you would be willing to be my spiritual advisor?" The spiritual advisor of a condemned inmate visits him during his final two days, spends a 30-minute period alone with the prisoner in the "death house," and then witnesses the execution.

Why me? Certainly there were other friends. “I know that you are a writer. Executions are so common they do not make the news in Texas. I want you to tell the story as you see it.”

I answered in the affirmative, as any friend would do, but a stay was granted before the November 16 execution date based on a claim of prosecutorial misconduct. From that point on, however, Nealy’s legal team struck out, and a new date for death was set: March 20, 2007.

I didn’t enjoy visiting the Polunsky Unit in Livingston, where death row is housed, in 2003. I enjoyed it even less in 2007: The dark cloud of death hovered overhead, and I could feel evil in the air.

Monday, March 19, and a most pleasant visit with Anthony at this hell-hole of a prison, where bloodhounds bray in a nearby barn, cowboy-looking guards circle the grounds in pickup trucks with shotguns, and women guards laugh and chatter as though the shadow of death was non-existent. We prayed together, and I relinquished the rest of the visiting hours for the day to family members, because only two people may visit an inmate at one time. All visits are non-contact, right to the very end...glass in-between, conversation by inefficient telephones.

Monday evening Marcia and I made the 60-mile drive from Houston back to Livingston so that I could make a brief appearance on KDOL, a low-power FM radio station that precisely aims all programming at the nearly 400 inmates on death row. On the evening prior to an execution, a two-hour SHOUT OUT program is scheduled from 7 to 9 specifically for the next unfortunate victim of the Texas death penalty. It was Anthony’s show, and dozens of email messages were read to him from all around the world, inspirational music was dedicated to him, and I delivered a personal message to him and his comrades.

Lawyers were frantically working at the federal court level, but still no stay.

Tuesday morning, and an even shorter visit at Polunsky. Visiting hours ended at noon to allow time for the prisoner to be transported to the Walls Unit in Huntsville, some 45 miles away, where all the executions take place. Anthony was still in his upbeat mood, laughing and talking. It was time for me to depart, giving Anthony and his family members some final quality moments together. His sister Debra and I placed our hands on the glass, Anthony matched ours with his hand, and I offered a brief prayer. Tears were streaming down my cheeks as I walked to my car. Where was the stay? Why wasn’t this nightmare ending?

The last prison trip was to Huntsville, home of the infamous Walls Unit. On Tuesday afternoon I dropped off Marcia at the Hospitality House, a religious mission facility for families and friends of those to be executed. I was ushered to the death house for my final 30-minute private discussion with Anthony. Again, he talked and laughed, expressed optimism that he would receive a stay, but thoughtfully informed me that he

had stayed up late to write three fund-raising letters for INNOCENT! If the execution took place as scheduled, Debra would receive his property and turn over the envelopes to me. The half hour expired in a heart-beat, and it was time for my final prayer, offered this time in the name of him who was wrongly convicted, handed the death sentence, and executed so that Anthony could have life eternal. Guards saw me to the door.

There's no way to describe the atmosphere, the feeling in the air, the apparent indifference you encounter in this seemingly heartless environment. State Prison chaplains relate stories and jokes while family members suffer the dread of what is to come. Bored prison guards routinely search, frisk and use a magnetic wand on those planning to view the execution. A burly guard armed with a shotgun watches from a nearby roof. The inane chatter of a female reporter continues as she flirts with a guard. There is silence among the rest of us, appalled by the business-as-usual attitude.

When led into the viewing room during this Lenten season, my friend Anthony can be seen with arms stretched out not unlike the crucifixion. He's on his back on a gurney, with tubes feeding into his arms. He can see us, and thanks to a microphone dangling over his mouth, we can hear him. He welcomes each of us by name. There are only four of us: Debra and her husband James, another friend, and the spiritual advisor. Others in the room represent the media and the prison system.

A state chaplain holds Anthony's foot as a sign of human contact, we were told. An unemotional warden stands at the head of the gurney, looking straight ahead...refusing to lower his eyes to the prisoner. "Do you have a final statement, Mr. Nealy?"

He did, four minutes in length, thanking everyone, taking a lick at the prosecutor one more time, but expressing everything with an elegance and dignity that demonstrated to the state in no uncertain terms that he was not going down in defeat. "I'm sorry that you all had to go through this. Put it behind you now. I'm going to a better place."

7 PM, and as he specifically directed his remarks to me, he said, "I love you."

At the conclusion of the statement the warden gave the sign, and the first of three chemicals entered his body. "That tastes nasty!" The final words of Anthony Charles Nealy.

Chemical one puts the prisoner to sleep. Chemical two stops his breathing. Chemical three stops his heart. There was no thrashing, no gurgling...he could be taking a nap.

The silence in our room was deafening. Debra was quietly weeping in the arms of her husband. Why didn't I say something? Where were the perfect words from scripture: "Death, where is your victory; death, where is your sting?" I was mute.

At 7:19, the warden gave a signal. A man dressed as a physician with white coat and stethoscope around his neck quickly checked for vital signs.

“7:20,” said the doctor.

“7:20,” said the warden.

A loud snap indicated that our room had been unlocked. We were led through the outer door. We were free to leave. As we walked into the fresh air an ungodly steam whistle shrieked a double blast. Every resident of Huntsville knew the signal: The execution was complete; the lockdown in the prison was over.

Life went on. For some.

I saw someone die.

Doug Tjapkes is the President of INNOCENT of Western Michigan, with offices in Grand Rapids and Muskegon, and author of the book SWEET FREEDOM. The 501c3 prisoner advocacy agency works in areas of job re-entry, parole assistance, housing for ex-convicts and wrongful convictions.