

POSTSCRIPT

THE TWILIGHT ZONE: PERSPECTIVES FROM A MAN ON DEATH ROW

The following interview was conducted through a series of written correspondences between Gerald Dean Cruz and Leah Stiegler, the Allen Chair Editor for Volume 49 of the University of Richmond Law Review. This exchange was reproduced, in excerpts, for the sole purpose of giving readers a rare glimpse into the perspective of a death row inmate. The views expressed below do not reflect those of the University of Richmond Law Review or its editors. Please note some answers were heavily redacted at the discretion of the Law Review.

Interview with Gerald Dean Cruz *

Are you scared to die?

No. And no one should be. We all must die. It's part of the Cycle of Life. Death is the one certainty in life and you must come to terms with it. Only when you do so can you actually begin to live. Sure, we all have a natural apprehension concerning death on an instinctive level, and that's natural. If we didn't have that we would be unable to successfully survive. A good example of this is the natural panic and struggle to keep from drowning. But this is instinctual, not a conscious decision. Consciously, I overcame the fear of death a long time ago, long before I got into this mess. It is what enabled me to reject the immunity deal offered me that would have prevented me from going to prison and death row. It

* Gerald Dean Cruz is a prisoner on death row at the San Quentin Prison in California. He was sentenced to death on October 26, 1992, as a result of being found guilty for his involvement in four murders committed on May 20, 1990, in Salida, California.

is what allowed me to stand on my principles and refuse to be the State witness against my co-defendants and testify falsely.

Are there any regrets from before you went to prison that you would like to expose?

[W]hat I regret was the senseless loss of life that could have been avoided that got me sent here. I wish I could have foreseen the tragedy in order to have done something to have avoid what occurred. I am regretful of all the pain this tragedy caused. You learn much too late that incidents like this do not only affect the people directly involved, but their loved ones as well who are left behind. You learn that in the end, everyone involved becomes a victim. These are the two regrets I must live with and take with me to the grave.

What, if any, is the point of death row?

The point of death row is political, pure and simple. It serves no other purpose. It is not a deterrent. If it was, nobody would commit murder and there would be no death rows in any state People are going to do what they are going to do regardless of any law because they often act impulsively, without forethought, or if they do think ahead, do so with a plan to not get caught. . . . Those politicians who manipulate the people through fear-mongering to win elections by promising to execute more people are guilty of conspiring to commit murder for personal gain. And the last time I checked that was a capital crime.

There is no point to death row other than to help launch and further political careers. It does not benefit the public because it does not change anything as it is no deterrent. And as for those on death row? What does it matter? It matters not whether they change or not, whether their hearts harden in anger or soften in regret. It changes nothing. And if it changes nothing, nothing is accomplished by it.

Is the death penalty a form of retribution?

To say the death penalty is a form of retribution is stating the obvious. . . . Aren't all forms of punishment? . . . All forms of pun-

ishment are retribution because there is no attempt to remedy the cause.

Whether the death penalty is abolished or retained will change nothing concerning crime prevention because you cannot change people. The reason being is that punishments and penalties are retributions for any given act that is unlawful. These punishments and penalties are not designed to solve the cause of the problems. If instead of executing someone or locking them up and throwing away the key, you analyze them to discover what the problem is with this person, then go about to rehabilitate them, you will have solved the problem by rehabilitating a person who could contribute to society. You analyze, rehabilitate, educate, and train the individual and then, without exposing their criminal history, get him or her a good meaningful job. Creating a larger prison population does not solve anything but creates burdens on society.

For those guilty of murder, what is the right form of punishment? An eye for an eye? A tooth for a tooth?

If you unjustifiably kill someone, then the biblical principle of an eye for an eye and a tooth for a tooth should apply. But not in the way most people think. This saying was not intended to be taken literally. If so, everyone would be blind and on a liquid diet! The saying that one must pay an eye for an eye and a tooth for a tooth is not based on retribution but instead is founded on the principles of equity. What an eye for an eye and a tooth for an tooth really implies is re-compensation of equal value.

This could effect a greater healing process. It's hard to feel remorse for your misdeeds when you are being punished and constantly feeling hungry and disrespected on a daily basis and your rights and dignity are continually abused and violated in prison. You have little incentive to mourn or regret. Punishment without repentance serves no good purpose.

Once upon a time, I was not involved in this situation or any other. And I was on the outside. I had absolutely no perspective of death row. Why would I? Death row was for serial killers and deranged psychopaths. I was only aware of it by movies or television. Death row might as well have been on another planet, or Hollywood fiction for that matter. So why would it concern me. It

wasn't until I got here that my eyes were opened. I saw that very few people on death row were psychopaths.

There are well over 700 men on death row at San Quentin. I don't claim to know them all or even to have met them all. But the majority I've met don't belong here. And the ones that technically do, belong in an insane asylum. Unless you are a politician, lawyer or advocate, you will not have any perspective about death row, and even then your perspective will most likely be wrong. Your only awareness is when a prisoner gets executed or during election years. Other than that, death row is the last thing on anyone's mind.

Do you have concerns about lethal injection?

No. I've heard all about the horrible complications and results. But in this situation you cannot concern yourself about such matters because you have no control over it and it will accomplish nothing but drive you to fear, paranoia, and madness. I've never been one to worry over things I have no control over. Better to have peace of mind until that day comes than to be paranoid until that day comes. That day may or may not come, but if and when it does, I'd rather face it with strength that comes from peace of mind than being all stressed, scared, and unraveled. And that's not going to happen. What will be will be. Until then, I continue to do my best to enjoy the journey, which is life.

Now that a federal judge has ruled the death penalty unconstitutional in California, how do you feel? What is the sudden effect on you legally and emotionally? Do you think it will be overturned?

Please try to understand that not everyone on death row wants the death penalty abolished. No, it's not that we like it, it's the alternative consequences that we do not find appealing. On death row we are housed single cell, that is, one person per cell. I, and others, do not relish the thought of a life-sentence spent with another person in our cell. Right now we have "some" privacy. That privacy is being solitary in our cells. A life sentence ends all privacy.

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That frightens me and others like-minded a lot more than the death penalty. Sure, the fact that lethal injection is actually quite painful is highly disturbing. But that pain, as excruciating as it may indeed be eventually comes to an end, whether you are pronounced dead in 5 or 15 minutes. Life in prison without privacy is just a slow and less physical painful death. Then there's the "last meal" that will no longer be. I know it sounds silly but 23 years in prison under these conditions can really affect you in ways you wouldn't imagine. You have no idea because you take the smallest things for granted. Anytime you want you can look up at the night sky and look at the moon and stars. No big deal. It is to me, however.

What would your last meal be?

Kentucky Fried Chicken Original recipe, all breasts and thighs with all the fixins, a Round Table combination pizza, Chocolate Ice Cream cake and whole milk. And if I can manage it, a basket of strawberries and a bunch of green grapes. I could think of a lot of other things I would like to eat. It's hard to choose because the deprivation over the last 20 or so years makes one's eyes and appetite much bigger than one's stomach. But I think the above would cover it.