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Carroll Pickett Interview Transcript

21:41:36

JSL: It's February 26th, 2005. We're in the home of the Reverend Carroll Pickett, who is here with us. I guess where I'd like you to start, Reverend Pickett, is if you'd give us just a little history of your life.

21:41:58

Carroll Pickett: I was born in a little town in South Texas. Born of a school superintendent and a schoolteacher. I grew up and decided to become a minister. I started down in South Texas, where I had a very large church. Well, a small church but I had a Spanish church along with it. And then moved up to Victoria to a very big church.

21:42:26

CP: Then I came to Huntsville to work with another church. After I completed all I felt God had intended me to do there, I resigned. I gave them six months notice so they could find another preacher. I didn't have a job. Everybody told me I was crazy for resigning from that job because I had four kids getting ready to go to college. One was in high school, three were in college. And the director of the prison system, Mr. Estelle, who was a member of my church, asked me to come work at the prison for a year, just for a year, until my youngest daughter got out of

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high school. 'Cause he knew my family real well. So I agreed to work for a year, and I went to the prison and worked sixteen years. Never filled out my paperwork, but I've worked there for sixteen years at the Walls unit. I went there primarily to develop a program for twenty-two hundred inmates and minister to the hospital, which at the time was the only hospital in prison, and the mental ward, which was the only mental part of the penal system in Texas. That was my pastoral area.

21:43:39

JSL: And after a time your ministry extended to people on Death Row who were approaching execution.

21:42:50

CP: I never went to Death Row. There's a difference that a lot of people don't understand. Death Row was 16 miles out in the country, the death house was in town. By law, in Texas, they had to be executed in Huntsville, in the town. And the death house was on my unit. Two and a half years later, after I started to work there as my ministry, then they scheduled an execution. Of course, there hadn't been any executions in Texas since 1964. So none of us knew what it was going to be like. None of us knew what we were going to do. None of us knew what was going to take place. But it was started on December the 7th of 1982, when we did our first execution by lethal injection. First one in the

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world.

21:44:42

JSL: Tell us about your experience, then, working in that part of the ministry as it developed after that.

21:44:53

CP: As it developed after that, after the first one was done, with Charlie Brooks, it began. We did a couple, then we laid off for a while. Texas became real active in doing executions. We were the first in the United States to do any lethal injection executions. There was no book to go by, no manual to go by. Nobody had ever executed a person this way. So nobody, including the doctors, could tell us what to expect. It was just a fearful situation all the time, because we never knew. We never knew the different personalities.

21:45:38

CP: In those days we were executing at midnight. They'd bring them in early in the morning. My responsibility, according to the warden, was to be there in the death house, which is in the northeast corner of the unit, which is only about 50 feet from the house where I lived. My responsibility was to be there when he walked in. I was to be the face that he saw outside the guards. That was important. Because every inmate distrusts guards. They have to. They're taught that. They're abused by them. Not all

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guards are abusive, but some are. So it was my responsibility to be there. His charge to me was, and these are his words, "to seduce their emotions so they won't fight getting out of the cell or getting up on the table." And that was primarily what I was supposed to do. I could be a pastor to them, I could be a minister to them, I could work with them whatever their religious presence was. But he told every one of them, the first warden did, and all the other one that followed him that I worked with, which was about six. They would tell them, "I suggest you talk to him because he's a good counselor. If you don't want to talk about religion, that's fine. But whatever you do, just talk to him." And all but one of those ninety-five talked to me. Of course there were fifty or sixty more that came in and got stays. But as far as going to the table, I did that ninety-five times.

21:47:25

JSL: Would you describe how Carlos DeLuna died and how it affected you.

21:47:35

CP: I'll never forget Carlos. Carlos . . . it was a long day. Even though he had a tremendous amount of visitors. And they were good people. A lot of inmates who died have good people. They might have done something wrong, they might have been accused of something wrong, but their families were innocent. So one of my

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responsibilities was to get the families in. But before Carlos ever let his family in, he told me . . . I was there when he came in, about nine o'clock. We had lots of time to talk. And I asked Carlos, since I was responsible for bringing in his visitors, who he wanted to see and how long he wanted to see them. And I explained to him the visitation times. And he was very, very cooperative. But he was very, very . . . I don't want to use the word immature or childish, but he was very simple. He began to hang on to me. And I mean that not critically, but he didn't want me to leave. He wouldn't let me leave. And there were certain responsibilities I had to do. Every execution day was set aside just for that, it didn't have anything to do with my work in the unit. But there were reports to give to the warden, reports to give to the executioners, and there was a time when I would go visit with the family.

21:49:22

CP: When he told me about his . . . he never met his daddy. And I'm using the term "daddy" because that's what he used. He never met his daddy. And he told me he was abused by his step-daddy. Very much abused. He was one of many children. During the day, before 12 o'clock -- he didn't eat lunch -- but before the day he wanted to know if he could call me "daddy," if it would hurt my feelings. Because he had never had anybody stick by him who was

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in a fatherly position. He didn't know his real father, he was abused by his step-father. I always made it my place to do what I could to make them comfortable. And I felt like if he called me "daddy," that would be fine. It sort of shook me up real bad. I've got four children and three step-children and fourteen grandchildren, and I know what "daddy" means. "Daddy" is a little bit beyond just "father." But he was willing to discuss anything after he got permission to call me "daddy."

21:50:40

CP: I didn't tell many people that this took place. Because, first of all, so much gets out of there that I don't know how it gets out. It's like that one letter. Nobody ever knew, when people wrote letters, who I mailed them to. Because the warden never looked at them, nobody ever looked at them. I took them and mailed them at four o'clock in the morning when nobody was at the Post Office.

21:51:12

CP: But somehow the prosecutor in Nueces County found out about that. How he did, I will never . . . I don't know to this day. And it bothered me. But that was because he trusted me and I trusted him. I never understand about how that happened. I never have revealed where that letter went, and I will not. I promised Carlos and I will keep that promise.

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JSL: There was an article written in the *Houston Chronicle* by a reporter by the name of Kathy Fair. And an implication left by that letter [sic: article] was that Carlos DeLuna had written a letter to the family of the victims to ask their forgiveness. I know you have a relationship with Carlos, a minister-penitent relationship, which prevents you from revealing. But is it accurate to say that he wrote a letter to say that he wrote a letter to the family of the victim.

21:53:40

CP: No. I think that in that article . . . She was one of the two reporters that I talked to, the first ten years I was doing executions. There were only two that I felt like I could trust, her, and a girl named Terry Bertling, who is now managing editor of the *San Antonio Express*. I would give interviews to those two. I think, in that article, Kathy says, and I told her . . . She was the one who informed me that the Nueces County prosecutor found out about it. And she asked me about that. And I think that article states that I stated it was not to anyone involved in this crime for which he was executed. I'm pretty sure that's in that article. To this day, I will maintain, it was not. It was not to anyone involved with this case. But I will not say who it went to.

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JSL: And when you say not to anyone involved with this case, that would include family members of the victim.

CP: Right.

21:54:47

CP: Carlos told me he didn't do it. And I was . . . My method of ministry, if he would have given me a letter at ten minutes to midnight, I put them inside this pocket. (*mimes putting a letter in his inside jacket pocket*) The warden knew I was doing this. I did this for almost all ninety-five. But he never asked me who it went to. The system requires they are supposed to be censored, but once a person is dead they don't have to censor. So I wasn't breaking any laws. So Kathy was the one who called me up. And I can read that letter to you, and tell you that she was the one that informed me that the Nueces County prosecutor found out about it. How he did, I don't know. It betrayed . . . Whoever did it, and I swear I'll never know. But it did not go to a member of anyone involved.

21:55:52

CP: Let me just read to you, because she quoted me in that article. (*reaches past camera for papers*) It was her article that was written before. It says here, "I acknowledge," "Pickett acknowledged that DeLuna had asked him to mail a letter to someone the convict believes had not forgiven him. It was not sent to

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Lopez's parents, Pickett said. He declined to say to whom it was addressed, other than to say it was not sent to anyone involved in the case for which he was executed." *(returns papers to the table)*
And that's where I stand. I would be true. After being with Carlos all that time, I wasn't going to break a word he said or asked me to do.

21:56:40

JSL: Tell us about . . . There's this distinction that you've mentioned, between an inmate a convict. Would you describe that distinction and where you put Carlos DeLuna?

21:57:00

CP: This applies to all people who are sent to prison, in my opinion. There are those who are inmates, who are sent there, who either adjust to the system or adjust to the fact that they are in prison, for right or for wrong, for innocent or for evil, whatever. And they will go along with the rules, and they will be honest and they will be supportive and they will not be troublemakers. A convict, by our definition, is one who is a troublemaker, who doesn't like the rules, who has committed multiple felony crimes, who doesn't care how he acts on the unit, who doesn't care how many times he goes to lock-up, and has no desire -- and there's no such thing, in my opinion -- of rehabilitation. Rehabilitation is just a word. It's just a word.

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The guy uses it in the movie, *The Shawshank Redemption*, when he's meeting before the parole board. It's just a word somebody made up. If you look it up in the dictionary, Webster's says, "to put someone back the way they were." We don't want someone to back to the same place they were. Either they get better or they get worse, but we don't want them to go back to the same place.

21:58:38

CP: But a convict is a person that you have a lot of trouble with. We had people who were sent in to be executed who were convicts and we had some who were inmates. And it was easy to determine within the first couple of hours after they got there whether they were going to be inmates or convicts. Whether I was going to have a problem, or the warden was going to have a problem, or the tie-down team was going to have a problem. Fortunately, we never had a problem. Nobody ever fought coming out of the cell when I was there. Nobody ever fought getting up on the table. I understand last year they had at least three. It's terrible, to watch somebody fight. We practiced this in 1982. One time the warden brought in a person and he just surprised us all by kicking him. People got hurt. As I wrote to the people in New Jersey and New York just this past week, it would be terrible to have somebody fight coming out of the cell. But the warden gave me freedom to do whatever I felt like would

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keep them calm. There were a lot of people who threatened to fight, or some who threatened to kill the chaplain, because they knew the system, and I had to go through that. But I never had one of them. And Carlos came in quiet, very, very scared. Because he was so young. He was basically a child. That's why I didn't mind him calling me "daddy," because he was just a child.

22:00:27

CP: He had a baby face. He had baby features, to me. And when I talked to him, and in the time I spent with him, I could tell by the way he treated his family, he was crying out for somebody to say, "I love you and I care, and I want you to listen to me."

22:00:54

JSL: When you talked to people who were going through this process, approaching execution, I imagine one of the issues that would come up would be guilt or innocence. Not necessarily because it's your role, but because it's something that's on people's minds at that point. And I imagine you developed an opinion or a sense of where people fall on that. I also assume that you've heard pretty much everything in your years in the prison system, and just because someone says "I'm innocent" doesn't mean it's true. In the case of Carlos DeLuna, where do you come out there, or where do things shake out there.

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CP: The only thing I knew about Carlos . . . Like I said, I never went to Death Row. When the program was set up, Mr. Estelle said, "I want the living chaplains out at Ellis, where it [Death Row] was the end and . . . [inadmissible]. They'd take care of them all during their term. And I want to have one person, who knows what they're doing, to be the death chaplain."

22:02:11

CP: I was called the death chaplain. I didn't particularly like that term but . . . Carlton Stowers wrote a couple of articles called "Death Angel." It was in the Dallas newspapers and Houston newspapers. And I would go with that.

22:02:26

CP: The only thing I knew about Carlos was an article that Kathy had written in the *Houston Chronicle*. I think it was probably November the 30th, or about a week before he came in. He came in on December the 6th. I remember that because it was the anniversary of the first execution. Charlie Brooks came in on December 6th and was executed on December 7th, 1982. And here, number thirty-three comes in on the same day. I read in that article, Kathy's article, some details about the case. I had questions before I ever met Carlos about Carlos's guilt or innocence.

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CP: The average convict will not stop a block away and hide underneath a truck. If they're going to run, you keep running and running and running. You get as far away from the scene as possible. It was our program, our philosophy, that I will ask questions and guide him and talk to him. Whatever he wanted to confess to or talk about, that was fine. We'll talk about anything in the world. But I had those two things on my mind and I had that article. I had that article in my file. He brought that article up three times during the day. We discussed that article. The most vivid and most remembering part about executions begins after ten o'clock at night. Because at ten o'clock at night, I would move the guards out of the way, and I would explain to them exactly, in detail, what was going to take place. From what was going to happen, what telephone they would hear. You hear two telephone rings. And it's a traumatic process. I would explain to them how many straps would be put down.

22:05:50

CP: How, at 12 o'clock, I would wait till I got a call from the governor or a call from the attorney general. I would say, "It's time. Now, I want you to follow me in there. And don't fight. Because I'll have some guys with me. You'll be two feet behind me and just follow me." So I explained all this to Carlos. He told

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me, he said, "I'm not" And I asked him, did he want me to tell him the truth. He said, "Sure." I did them all that way. So he told me, "Go ahead, I want to know the whole story." He said, "I'm not so much afraid of dying, it's how, and what's going to happen after that." So I explained it all to him. And then he said, "Can we talk privately?" So we began to talk privately. And many of the convicts, between 10:15 and midnight, confessed to a lot of things for which they were not convicted. I began in the beginning saying some of them are just bragging. I began to check them out with friends of mine, without telling them. They were true. There was a lot of confession. At ten o'clock to midnight is a very traumatic situation. I went to my doctor, and he told me, "One of these days you're going to pay for all this, because you're taking in a lot of stuff you can't get out." And he was a cardiologist in Victoria. And I may be, right now, in that position at this very minute.

22:07:39

CP: But Carlos wanted to talk about it, and we discussed those two issues: Why did you let her talk on the phone? And why did you stay on the truck? And he said, "I didn't do it." That's as clear as a bell to me. He was a child in many ways, but even a child I have five brothers and sisters and when we hit one, we ran. We got away from it, and we went as far as we could go. But we discussed Kathy's article. And he called me "daddy"

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again and again. I'll never forget those terms. It seemed like every sentence would begin with that. He'd ask me a question about the tie-down. "Who's in the tie-down? Who's this? Who's that?" And I'd tell him. The hardest And I believed him.

22:10:44

CP: In my opinion, having watched ninety-five die in the execution chamber . . . I watched hundreds that died . . . because we had the hospital. We had an intensive care. We had a Death Row in the hospital. The third floor, I had a hundred people that died over there from heart attacks, C.O.P.D., AIDS, cancer, you name it. And I went through this for sixteen years, listening to them on their last days and nights. I spent way too many hours, I suppose, listening to their last confession. But some of them I believed. And some of them I checked out, and they were innocent people. I fully believe Carlos DeLuna was an innocent man, and I will always believe that.

22:11:40

JSL: Reverend Pickett, you made mention a moment ago of your medical condition. If you would tell us a bit about that, if you're comfortable.

22:11:54

CP: Just a few weeks ago, I woke up in the morning, after playing tennis the night before and doing my regular work. I've been in

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great shape for years, played tennis four days a week, four nights a week. I'm in great shape, and I had a chest pain, and they took me to the hospital, and they got the pain down. Three days later they went in and they found a four-inch blood clot in a five-inch transplant that I had nine years ago. I had a triple bypass, which many of the doctors said was caused from stress. Watching executions caused stress. Right now that clot is still there. I have been to Texas R.S.T. once, I'm going the day after tomorrow. They have not been able to dissolve it with 11 different types of medication. The cardiologist down there thinks that it's probably a dead area, and I am six seconds away from dying if it ruptures. I think that my doctor, who told me back in the early eighties, "You will pay for this one day," he said, "but I admire what you're doing. Don't quit."

22:13:20

JSL: Would you tell us -- you describe it in your book -- you said that this was the one case that required you to seek some guidance of your own. Would you just take us through what it was about this case that led you to have that need.

22:13:52

CP: All day long I was with a boy. He was a man by age but he was a boy. And he relied so much on me, and I don't mean that egotistically. But he asked me all types of questions. Every

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time the door would open, "What is that? What's going on?" Why the phone would ring, and all these type of things. And I would be honest with him. I told him I would do that. And I said, "I'm going to do anything you want, anything you want. But I will be truthful to you."

22:15:40

CP: I told him I would do whatever you want. About six o'clock I said, "Are you sure you don't want anything?" He said, "Can you get me something?" I said, "Just tell me what you want." He said, "Strawberries and ice cream and a shake." So I called the [inaudible] department and they brought him strawberries and ice cream and a shake.

22:16:44

CP: Now the book, (*reaches over to table, picks up book, camera zooms out to watch*) the classic book that was put out about what happens on Texas Death Row, what they eat and the last meal, says he ate nothing. I sat right there by him, and he ate strawberries and ice cream and drank the shake, and we talked.

22:17:00

JSL: Where that book says people had steak and lobster?

22:17:05

CP: That's not true. So much of that . . . Even Carlos's final words are not accurate in that book. In fact, they're not

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accurate in any book, or in a magazine. I would tell the convicts and the inmates, "The only way they're going to quote exactly what you say is if you say nothing." And this is true of many people. What Carlos said . . . I'm five inches from his leg. I would hear what he said, I would . . . We practiced, ok? He and I practiced at 11:30 what he wanted to say. So I knew what he wanted to say. Some of them wanted me to help them do it, and I couldn't do it. I was not allowed to. But I know that there was a person writing down, exactly, his words. And Kathy got them pretty close. But the ones in this book, and the ones that were on TV. And I'm not knocking reporters. The media just doesn't . . . They're down there in shock. Ted Koppel is considered one of the greatest people in the world in the media. And he watched an execution. He came to watch the execution of Mario Marquez, who was mentally retarded, who was very much, in my mind, like Carlos. Very much like him. And I was interviewed by Ted Koppel. And I told him, "If you witness this, you're not going to hear or report exactly what he says." He said, "What do you mean?" I said, "Because your emotions are going to be involved." And he went on his TV program and quoted what he said, and it was totally wrong. I met with him the next day and I told him. I said, "This is what Mario said." The same way with Carlos.

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CP: But Carlos and I practiced what he was going to say. If you notice the real words, Carlos never admitted to the crime. He did not apologize or ask forgiveness from the family of who was killed. His concern was for his family. He was concerned for the friends he had on Death Row. One of his last words, which are very, very important, "Don't give up." Because many of them are striving to prove their innocence. 120, I believe it is, in America, have been taken off Death Row in the last three years or four years, who were found to be innocent. I believe Carlos was one of those. But as we approached midnight, he began to talk more and more. When he asked me to pray for him, he had a little card in his pocket. Now this is not material that's in the book. But he had a little card in his pocket. And he said, "I can't read very well." How would a human being feel about another human being? Everything that he did, to me, was to show his immaturity or his . . . he had not a very good education, or any education at all. But he was not a mean person. He didn't have a list of 40 different crimes. And he pulled that card out, he said, "I want to pray this prayer, but I can't read very well." I don't believe that any human being in their life can be with a guy at a quarter to midnight, and he's going to get killed.

22:21:08

CP: And that's what it is now. If you've seen the death

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certification, the death certificate in Texas says "cause of death: homicide." It's murder. It's murder. I've got a copy of But he says, "Will you read this prayer for me." Now, we were not permitted . . . we were not permitted to touch an inmate, but he wanted me to hold my hand, he wanted me to hold his hands. I'd been warned by the warden, never let a convict . . . never put your hands through the gate, through the bars. Because they can either pull you forward And we had on Death Row out here, not long ago, a chaplain put his hands through, and the guy had a knife, and he slit his arm open wide. But that didn't bother me about Carlos. I put my hands through those bars, and he grabbed me like he was holding on for dear life. He was going to die, he was going to die in just a few minutes.

22:22:30

(same shot of Carroll Pickett, seated)

JSL: You were describing-

22:22:35

CP: He was holding on to my hands. My hands were inward, like this, as I believe that Jesus Christ always held his hands. Carlos told me he was a Christian. He registered as Christian before he got there. So I put mine out. I put them inside the cell. I knew it was against the rules. I knew that if the warden found out about it But I'd been doing this all along. I

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did a lot of things for inmates, and the warden supported me. If they wanted to do it, it would make them more comfortable, then simple things like Dr. Peppers and cigars and all that stuff

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CP: But I put them in there, and he was sitting on the cot, the bunk. But I started praying, and I could feel my hands go down. Carlos went down and he was on his knees. By the time I finished the prayer -- and it was probably 4 minutes, 5 minutes long -- he was on his knees, crying. Crying. And he got up and he said, "Will you now repeat for me the twenty-third Psalm, and tell me what it is, it means for me right now." So I repeated that. I explained to him, "We're in the valley of the shadow of death, Carlos."

22:24:07

CP: And I'd told him, at ten o'clock, where the door was, it was just a few steps away, and what was going to take place in there. And we went through the twenty-third Psalm again. He got back up and he stood. He didn't let go of my hands. The guards came over there and gave him that look, but he knew that we had the right type of guards.

22:26:00

CP: The guards never told the warden that my hands were through

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the bars. I was never permitted to pour coffee for them, I was never permitted to light their cigarettes. Of course, it wasn't legal to smoke down there but if they're getting ready to die, what's the difference? The warden knew what I was doing.

22:26:20

CP: Then he got up and said, "I'm ready to go." He said, "I'm going to follow everything you said, and I believe everything you said." And that's the part that caused me to go . . . after we got into the death house, it got even more personal, and that's what was my problem.

22:26:53

CP: Telephone rang at midnight. All the guards stayed away from the cell. He didn't want to talk to anybody but me. And we had made that last telephone call . . . We'd made calls that night. His family visited in the daytime, and then I went over to the hospitality house to visit them, and they decided they didn't want to visit, they didn't want to witness. And he wanted to talk to me about it, and to tell them goodbye, and the family wanted to tell him goodbye. And we worked out a deal over at the hospitality house. Bob Norris was super. That house wasn't built for that purpose but we turned it into that.

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CP: But he called. I got permission for him to call. The warden

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always . . . he never asked me why he wanted to do all these things. So he made that call to his family, and called to the one sister who couldn't come, and called to that pen pal [TV reporter Karen Boudrie] in -- I think it's Cincinnati, Ohio, somewhere up there, I may have to look it up. And then after that it was all just me and him. He just wanted to talk. We'd talk about anything. He would ask me a question about what it's going to feel like, and I told him. I told him it's going to take To my knowledge, it will take nine to twelve seconds for that first medication to go to work. And you'll be totally asleep, you won't feel another thing. And he said, "Will you be with me, daddy?" I said, "I'll be with right with you." He said, "Will you hold my hand?" I told him before we got in there, "There are only certain times I can hold your hand, only certain times." This was the only inmate . . . all of them asked me to maintain contact, or wipe their brow, or don't let anybody see sweat, things like that. But Carlos wanted me to hold his hand.

22:28:55

CP: They brought him in and they strapped him down. I stood right next to him. And he kept looking at me. The guards left. The guards walked out. There's nobody in there but Carlos on the gurney, the warden standing here, I was standing here, and he says to the warden, "You need to keep the same guards, because this

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chaplain is very . . . he's my daddy for today."

22:29:29

CP: I'm churning. So I'm holding his left hand. I agreed to hold his left hand. And I told the warden . . . What I would usually do is, I'd have to check their vein. I'm not a doctor, I don't know anything about veins. But they didn't want the executioners to be known. So I checked his veins, and I asked him if he'd burned them with drugs, and he hadn't. They were good. So I had to go up . . . Every night at eleven o'clock I'd go up and talk to the warden and say, this is what his last words are going to be, this is what he's expecting, and these are his last requests. And I told the warden, I said, "Warden, I want to get your permission, he wants his hands to be held." He said, "You know how it works, do whatever will keep him from fighting." That was the warden's big concern.

22:30:25

CP: So I was holding his right hand. The executioners, two of them, came in, one big tall man and one short man. And they always started with the left arm. They put ace bandage around the hand and tightened it down, sometimes taped. Then they would go for the vein right in the middle. Most of the time they were successful, most of the time.

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CP: But it's traumatic to watch, it was traumatic to watch. Because I had told Carlos DeLuna, that was going to be the only pain. That was all I'd seen before. So it went in real well. And the sodium, or the salt water, as the first, when it just cleans out, it began to run. And the two guys came around to the other side. And Carlos said, "Will you hold my other hand?" Well, the other hand already had tape and ace bandage around it, so I went around the gurney and held the other hand. I said to Carlos, "This is the last I can touch you. Once they get that I can't touch that." He said, "Would you hold my leg?" Because I'd told him I would be five inches from his leg. So I held his left hand till they went around and did insertion and needles in his right arm. And then I went back to my required place where I could watch the drip. It was my responsibility to watch the changing of the drugs and notify the warden by a nod. We had signals. So Carlos The two executioners left and went into the little room. The warden left to go tell, he went out the door and he went to the next door, big heavy metal doors. And he always shut that door. He gave me about 45 seconds. I had about 45 seconds, just me and the inmate. And that is the 45 seconds that is never recorded anywhere. Everything else is recorded. What time the syringe started, what time he took a bath, what time he ate, what time he made a telephone call. All that's recorded.

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This is never recorded.

22:33:07

CP: And he said, "I just want to thank you, daddy, for being my daddy for one day." I couldn't cry. I never have been able to, and I wasn't supposed to, first of all. He said, "Would you please keep your hand on my leg?" So it put it right on his knee. One of the things I did, I put my thumb where I could feel his pulse. On everybody that asked for it. After a while they all started asking for it. But the warden came back in and he, Carlos DeLuna, whispered to me, "I just want to thank you for being so good to me, daddy." And the warden looked up at me and just smiled. The warden's a tough man, cowboy boots, all that kind of stuff. But he never interfered with that last 45 seconds. Then the witnesses came in, stood back here. Carlos looked over at them, and then he looked back. He kept his eyes on me, and he said he was going to. He said, "Will you be where I can see you?" I said, "Yes, I'll stand right here. I won't move." And Mr. Lynaugh, who was the director, stepped through the door and said, "Warden, you may proceed," which is procedure. The warden said, "Thank you, sir." The warden said, "Carlos, do you have any final words?" And Carlos gave his statement. I have his accurate statement. Kathy has his accurate statement. The book doesn't have his accurate statement. But it was very sweet, if you want

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to use that term. It was very sincere.

22:35:15

CP: He loved his family very much. He was sorry that he'd ended up like this. But we had been talking all day about how his life had not been a good life. He'd messed with the wrong crowd, moved with the wrong people at the wrong time. And then he told these guys out on Death Row to hang in there. And then he looked up at me, and he had these big old brown eyes. I'll never forget those brown eyes. I can dream about those brown eyes. So, since I had not told the warden what his last words were going to be, I nodded to the warden that that was it. His sign for the executioners -- there was a two-way mirror there, behind the mirror -- was to take off his glasses. The warden's responsibility was . . . that meant start the sodium tri-pentathol. Then he looked at his watch. All he did was watch his watch. I watched the inmate; the inmate was mine. The legal stuff was his. The murder was those. The witnesses, for whatever purpose, were over here. But I was squeezing his leg, and holding him. I saw the fluid change in the drop, the sodium tri-pentathol started. I had told him, it's going to be nine seconds and you'll be asleep. Well, about ten, fifteen seconds, he raised up his head. Our heads aren't strapped down in Texas. And he looked at me, and it really hurt me, because I knew the time had passed. The other guys had gone to

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sleep. They'd given their cough or whatever it was. And I wonder, to this day, what was he thinking?

22:37:40

CP: And then about another ten seconds passed, and he raised his head again. Nobody had ever done this. Those big, brown eyes were wide open. Here I am, five inches from his knee, five feet from his face, and he's looking straight at me. And I don't know what the question was in his brain. I don't know what he was thinking. If I wanted to be paranoid, I could say he was thinking, "You lied to me," but he was not that type of person. In a way, he was telling me, "I'm [] innocent. I didn't do this." So I could imagine a million things. And he lay back down. And I saw the bubble come at twenty-four seconds. Then the tubocurare [???] started, and that's what froze his muscles. And his eyes closed. We waited. Then I saw the next bubble come, and it was the potassium which froze his heart. And he was pronounced dead ten minutes after the first drug. They used to keep records, and they tried to beat six minutes. His was ten minutes. And that's what hurt me. Those 24 seconds were hard.

22:39:30

CP: I had to go talk to somebody about it. I didn't sleep for days. Next time I went to sleep was December 12th. I can remember sleeping December 12th. I didn't sleep December 8th, 9th,

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10th, 11th. That's a long time to stay awake for one kid.

But . . .

22:39:51

JSL: You were describing, you were asking what could be going through his mind. Maybe another kind of person would be say "he lied to me," but you say that you thought he was just telling you . . . it came out a little garbled, so if you would just express that view again, of what you think he was saying, it wasn't that he was challenging you about the truth.

22:40:22

CP: Well, I was just wondering what he was thinking, if he was able to think. Because sodium tri-pentathol just puts you to sleep. Most people go quickly, but he didn't. And when he raised up his head and he looked straight at me, 'cause he'd been looking at me all along. And he didn't close his eyes; so many of them close their eyes and wait for it to go to work.

22:40:47

CP: In the daytime we'd talked about . . . he wasn't afraid of dying but he was afraid of the unknown. He wasn't afraid of dying, but when we discussed the article, he said he didn't do it. Was this his last movement to prove to me he didn't do it? That's what I want to believe, that that last one was he wanted to tell me one more time, "I didn't do this." And there's nothing worse

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in the world, to me, than to execute an innocent an innocent person.

22:41:43

JSL: You mentioned a letter, and I just want to clarify. Other inmates asked you to get a letter to people that they wanted to correspond with. That kept it private, didn't have to go through the whole prison apparatus. This wasn't the only incident where that happened, is that right?

22:42:06

CP: Oh, I did many. I would say ninety percent of them, ninety percent of those ninety-five would write letters after their visits were over, or after the Supreme Court had ruled. Every one of them knew that the governor . . . we didn't have any governors who were going to give any . . . basically, that's a waste of time. And I'm not knocking George Bush, and I'm not knocking all these other ones. We knew they weren't going to give a reprieve. After they were turned down by a Supreme Court, usually at night. Visitors had to stop at five o'clock. We could still make telephone calls, if they were ok. If they were good inmates, not convicts. If they'd been bad all day long, I wouldn't make a phone call for them. I just wouldn't even offer it. And if I didn't offer it, they didn't know they had the right if they wanted to make a phone call.

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22:43:10

CP: A lot of them would write letters. Sometimes I mailed as many as eight to ten. They didn't want to talk at all. They would have their shower and eat their meal and they'd just go to writing. They'd write, write, write, write, write. I would tell them, "Whenever you get through, just hand them to me." A lot of them didn't even have paper, so I'd have to go to my office, and I provided the paper and stamps and a pencil. 'Cause a lot of them were indigent. But there were a lot of them who wrote letters. I made lots of trips to the post office, three, four o'clock in the morning. And nobody . . . The warden knew I was doing it. We didn't hide it. The warden knew and he agreed with the fact that once the person has died they did not have to be censored. And the general counsel, who was the paid lawyer for T.D.C. I had told him, because in case anything legal came up, if a letter went out postmarked six o'clock in the morning, the guy's dead at midnight, I told him what I was doing. They all agreed it was perfectly legal.

22:44:25

JSL: In the course of reflecting on this case I think you had occasion to talk to some individuals who were officials of the state of Texas. The Attorney General at the time was named Mattox, I'm forgetting his first name.

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CP: Jim.

JSL: Jim Mattox. I thought maybe you'd remember it.

CP: He was there.

JSL: Tell me about his role in this, his interaction with this case at that time.

22:45:04

CP: Jim got to be . . . He started coming on a regular basis. He came as a witness.

BW: I'm sorry, if you could start over, using his full name and his title.

22:45:11

CP: Jim Mattox, the Attorney General of Texas, started attending the executions. I don't know exactly when, it might have been right at the very beginning. The very first ones were high profile -- Cowboy Autrey, Charlie Brooks, Candyman, these people were high profile. And a lot of people came. There were demonstrations. They tell me there were five thousand people out there. I never saw those. Because by the time I got through with my responsibilities, everybody was gone home. With the exception of Charlie Brooks, and I had to sneak out through the [inaudible]. But Jim Mattox would come and he would . . . sometimes he'd want to come in and talk to the inmate at a quarter to eleven. And he would ask questions, which I felt like were totally out of place,

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totally out of place. Not to everybody; he didn't use the same questions, but sometimes the questions . . .

22:46:10

CP: And here I had worked from six o'clock in the morning to nine o'clock in the morning [sic] to get a guy very calm. And I had him calmed down at 10:30 at night or eleven o'clock at night. Some of them were asleep. Some of them were saving 11:45 to eat their dessert, which, by the way, they couldn't eat at 11:30 or 11:45. It was too close, they'd flush it down the commode. But he would come. Sometimes he and I would talk. He told me several times, "I am not in favor of this killing. I am not in favor of this." In particular when he had one that wasn't a high-profile case. Sometimes he would come in the witness room and watch the tie-down and watch the insertion. Sometimes he'd stay there until after . . . I would stay there until . . . Originally we had to have a justice of the peace come in there and conduct an inquest, but we stopped that, because the cause of death was known. But I would stay there until the funeral home came and took the body and walked out. And they took off and left, and I was the last one in the room, by myself. Sometimes Jim Mattox would stay in the visitors room, the witness room, behind the bars -- after we finally put up bars. We didn't have bars at the beginning, we just had a little rail. And anybody could have jumped underneath

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that rail and gotten any of us. Or jumped, wanted to kiss them
goodbye or hug them. That could have happened. It was dangerous.
Those first were dangerous.

22:47:54

CP: But he was talking, he said, "I need to talk to you." And
he'd say, "What are we doing? What's Texas heading for? How many
are we going to be killing?" I said, "That's up to you all."

22:49:37

CP: But Jim Mattox, I told him, "If you're not in favor of it,
come out against it." By this time, by the time I got through
with Carlos DeLuna, I was already was already headed to change
completely. I had changed my whole direction. From then on, I
would minister to them, but I . . .

22:49:58

CP: Nobody ever knew where I stood. I couldn't tell an
inmate, "I'm in favor of it," because he wouldn't talk to me. I
couldn't tell the press, "I'm against it," because the warden
would fire me. So I just stayed neutral, stayed neutral. Jim
Wright, you know Jim Wright? Former head of the House of
Representatives? He wrote a full page on this book, in the Dallas
Star Telegram, I mean the Fort Worth paper.

JSL: *Star Telegram.*

22:50:30

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CP: *Star Telegram*. A whole page about how this book answers all the questions about why Texas needs to stop the death penalty. I had began leaning that way, but I told Jim Mattox, "You've got to take a stand." Attorney General, he could do something.

22:51:45

JSL: Did he have anything to say about Carlos DeLuna? When I spoke to you last, you remembered that he had a specific comment on this particular case.

22:51:58

CP: He said-

JSL: Use his name.

22:52:05

CP: Jim Mattox said, "After he was strapped down, and the warden left" -- my 45 seconds -- he whispered to me. This was before the plate glass windows were put up. This was when . . . They had the solid brass rail first, then they put up a small rail that was a little higher. Then they put up bars that you could see through and hear through. "And he whispered to me, 'Come here.'" I was for Carlos DeLuna, I wasn't there for him. I could see him behind me through this mirror when I was holding his right hand. When I was holding Carlos's left hand I could see out to the witness area, and I could see that he was there. Only one, only one. And when I turned around to the other side and was holding the other

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hand, while the executioners went through that *(points right)* door, the warden personally went through that *(points left)* door.

22:53:24

CP: You see it better in that other book. He said, "How long do you think we have to keep doing this horrible thing?" I didn't say a word. I mean, that's a legal matter.

22:53:45

JSL: At one point, I think you also had a debate about use of the death penalty with the District Attorney for Nueces County, in Texas, where Corpus Christi is located, Carlos Valdez. Of course, he had nothing to do with this case because it was before his time. He had nothing to do with the District Attorney's office when Carlos DeLuna's case was going through the courts. I think you asked him to reflect with you about the cases in Nueces County. What transpired?

22:54:24

CP: I've been really concerned about the large . . .

RP: You're fine. I'm sorry.

22:54:30

CP: I've been really concerned about the large number that come from certain counties and other ones. I had some very strong questions, I still have very strong questions about Nueces County. I could give you names of people who came from Nueces County that

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I think are innocent. Were innocent, they're dead.

22:54:55

CP: So I went down there to speak. There were four of us who spoke that day. And I had already completed my transformation into saying this is wrong. It is wrong to kill people to show people that killing people is wrong. Partly because of the innocent being killed, partly because of people like Carlos, who was just a kid that I think was innocent, but he was young anyway, mentally retarded, socially retarded, educationally retarded. That book will show you, the ninth grade is probably the highest . . . We executed only two people who had graduate degrees out of those ninety-five. One of them was a lawyer who represented himself and he dropped his appeals. But he shot up a court up in Fort Worth, and he was guilty as all get-out. He had a graduate degree, and one other had a graduate degree, the rest of them were all tenth grade and under. Just look at them, just get the facts. But the ones that I had concerns with were in Nueces County.

22:56:04

CP: So to go down there and speak to them, I was to be first. So I went ahead and spoke on the issues of the innocent being killed by the state from Nueces County.

22:56:52

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CP: I said, "You have probably -- probably, and in my mind, certainly -- executed some innocent people who did not commit the crime." I didn't mention any names. And he responded that he cannot deny that. He could not deny that. He said, "I agree with the chaplain that we probably in Texas have executed innocent people. But under my administration, we are going to be very certain."

22:58:35

JSL: At the beginning of your discussion of Carlos DeLuna in the book, you say that Carlos DeLuna had a kinship with Penry, and Penry has become sort of the symbol. I wonder if you would tell us a little bit about what you meant by that.

22:59:00

CP: Child-like actions. Child-like personality. Dependence. Willing to do anything. Penry: "Just get me my colors, my crayolas and my book." Carlos DeLuna: "I'll do anything you say, if you let me" Let's take his family. I said, "You get to decide how you see them." He said, "I don't believe that." I said, "You can decide which ones come in, together. You've got from now until five o'clock." He said, "That's not the way it works. They tell you who's there, and they tell you who's going to see you at what time." I said, "Not here. You tell me, and I'll arrange it." And I've got a piece of paper, I've got them

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all numbered. I've got each one of the numbered, one and eight, two and five, so and so, and I brought them in that way. That's what I meant, this executing children, children's mentality, people with a children's mentality. Like Johnny Penry, he ran away, escaped on a bicycle. Now that's ridiculous. You can't go anywhere in Livingston on a bicycle. Just the logic of that, anybody's logic.

23:00:20

CP: Carlos DeLuna goes and hides under a truck a block away. That's child-like. It's like curiosity. That's what I meant.

23:01:17

JSL: Do you remember your first visual impression of Carlos DeLuna. You described it, in the notes I took, I want to just read to you. You said, "it was difficult to believe, with a glance at him and his small body, that he could possibly have done the things they say." So I wonder if I could get you to describe when you saw him, I guess it was nine in the morning when he came through.

23:02:00

CP: When they come in, you know they're in those leg shackles. They've got this big six, eight-inch belt around them with that big loop, and their hands are handcuffed. And they're just shuffling along because they can't walk. I'm standing right in

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the middle. They come through the door and they turn and come straight towards me. And they tell them. The guards say, "Go straight towards him and stop."

23:02:28

CP: That was on purpose. Because after J.D. Autry . . . J.D. Autry came in, and he was put on the gurney at eleven o'clock at night. And he got a stay at five minutes to twelve. Nobody talks about this. I sat in there for an hour with they guy. They brought him at the wrong time. He got off the gurney . . . they took the tubes out, he got off the gurney, he got a stay, and he went out and told everybody out there what was taking place. He described me to a tee. There was some artist out there who was drawing pictures of me, based on Autry's description. So they all knew that when you walk in, Look at the chaplain. He's the only one that won't be wearing a gray uniform. I could never wear a gray suit. So when Carlos came in, he didn't come in like the typical convict. He didn't come in like Demouchette or he didn't come in like Candyman. Candyman came in like an egotistical moron, like "I'm just so glad to be here." He was guilty as all get-out. Killed his son. Carlos came in, softly, quietly, and walked right up to me. Just by looking at him, I knew he was not the typical . . . He wasn't a convict.

23:04:00

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CP: *He was an inmate.*

23:04:12

(same shot of Carroll Pickett, seated)

CP: It reminded me of a Biblical passage. I have preached for 52 years. "He was gentle as a lamb being led to the slaughter." I will never forget those big, brown eyes. His eyes were open when he came into the death house. His eyes were big, wide open. He didn't go to sleep like some of the convicts do. He'd already refused his meals out there, because we had all that paperwork to do. And when we went through the paperwork, not any problem with him at all. He said, "I want to leave it just like it is, and these are the people I want to see," and we went through that legal stuff. That was one of my responsibilities. And when I told him, "I'll do anything you want," I thought he was going to cry. He said, "They don't treat people like that in prison." I said, "You're in the death house. This is the Walls Unit. You're assigned to me and those two guards. And that's all you'll have to see today. Whatever you want to do."

23:05:30

CP: We have a great chaplain -- I'm sorry, captain -- who was out there. He always transported them in. He's not there any more. Nobody's there. They all quit. Everybody that worked with me in the prison system is gone. They're all gone. No more long-

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termers, they just . . . they're all gone. But this captain was a nice captain. *(reaches across table for book, flips through pages)*

23:06:00

CP: He was usually the one that helped them with all their paperwork. I don't know if he did Carlos's or not. *(finds page in book)* No. Yeah, he did. Captain West. And he turned around and said, "Thank you, Captain West, you've been kind." He's the one who does his final paperwork. He did it on 11/28, all the details about witnesses and lawyers and what to do with his money, what to do with his body, what to do with his property. And he rode with him in the truck, in the van, and he brought him in. And as soon as he brought him in, he had to turn him over to our men. Because as soon as you come in the door, you're assigned to us. And he said, "Thank you, Captain West." And then, again, he turned to the warden, and said, "You need to keep the same guards," and he told the warden what good person I was.

23:07:04

CP: He wasn't a convict. He wasn't an inmate. He was just a person, a young person who appreciated people. And I found out, after watching ninety-five, dealing with twenty-two on my unit, people that care about people don't kill people. And I just believe that. If we love one another we're not going to kill people.

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JSL: You said all executions are unique. Some leave questions, some have all the answers. What was this execution?

23:08:08

CP: I've got more questions.

JSL: Ok.

CP: And maybe . . . I have to say this the right way. It's in the book, and in the book it's said right, because I quoted Dave Erb. Doctor Dave Erb was my counselor in Dallas. He was my therapist, he was my teacher. He helped me get my doctorate in Clinical Pastoral Education, and I went to him for a year in training. A C.P.E.'s a big deal. I told him everything about how I felt. I explained practically the whole day, particularly those last few minutes when those big old brown eyes raised their head up and . . . I don't know what he's thinking. Incredible guilt. And then Dave Erb said, "Maybe you're in the right place," and I forget what he said, it's in the book, "Maybe you're doing something," and I forget what it's all about. But that's the point that Carlos DeLuna made me start more and more going to "let's look into these things." That's when I started thinking, we are killing innocent people. We are killing children. We are killing mentally retarded.

23:09:45

CP: The first ones, Candyman actually did it. Everybody knows he

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put that sign out and killed a child. Tried to kill his daughter, too. He didn't even deny that. Gosh, he was one of the hardest ones I dealt with. Because he was just mean. And he wanted me to see all his pictures and all that kind of stuff. And Barefoot? Child rapist? Highway patrolman murderer? Yeah, he was a human being. I learned a lot from him. He'd killed again. Not that I think killing him solved anything, because one of those crimes was in New Mexico and one of them was in Killene. We come down to those lesser-known people who commit crimes. That guy in the little town who was born on a dirt floor, and never went to school, Kavin Lincecum. He didn't know anything. He didn't know what life was about. He had no idea. He was . . . he never had a father. His mother never had . . . she was supposed to have a midwife to deliver. Well, the midwife didn't show up, so another person came to be the midwife and it was a drunk old man. He was born bad. He fell out on a dirt floor. I mean, right out the other side of Brenham. That's not far from here. That's another type of case. A lot of them that we killed, I do not believe any court should be able to say, "Yep, they'll kill again."

23:11:40

CP: Out of those 95, I really believe that most of them killed one person, and that's all they would have killed. One of them told me, "I had a shotgun, and I wanted to know what it would be

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like to see somebody die." He walked up to this woman's house in Beaumont. He didn't know her. He was just a young kid. And he had a gun and he shot her in the head. And he watched her die, and he stood there and waited for the police. So every one of them is different. Every one of them died different. There are some of them I still believe are innocent. And more and more I believe that it's just wrong, to kill people.

23:12:30

CP: The death certificate. Have you seen the death certificate? Six causes of death, and it says, "Homicide." Texas commits homicide.