Continuing Trauma and Aftermath for Exonerated Death Row Survivors
Saundra D. Westervelt and Kimberly J. Cook

Death row exonerees are factually innocent men and women who have been wrongly convicted of capital crimes, sent to death row, and later exonerated.1 Our research documents the aftermath challenges faced by these exonerated death row survivors (Baumgartner, Westervelt, & Cook, 2014; Cook, Westervelt, & Maruna, 2014; Westervelt & Cook, 2010, 2012b, 2013). On release, death row exonerees confront the continuing trauma of having lived on death row. They confront the crippling stigma of having been condemned to death and significant challenges in rebuilding their identities free from that stigma. They encounter new relationships with families who matured without them and who, in some cases, abandoned them, thinking they would never return. They also experience the physical, emotional, and psychological damage created by living in isolation, despair, and neglect. Confronting

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1See the Death Penalty Information Center’s (2017b) list for the criteria used for inclusion.

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Living on Death Row: The Psychology of Waiting to Die, H. Toch, J. R. Acker, and V. M. Bonventre (Editors) Copyright © 2018 by the American Psychological Association. All rights reserved.
these challenges is made more difficult without systemic support or assistance. They are “kicked to the curb,” as described by death row exoneree Sabrina Butler, left mostly to their own limited resources and networks to figure it out. She recalled, “They didn’t give me jack! They just took the handcuffs off me, and sent me out the door” (Westervelt & Cook, 2012b, p. 60). It is from these voices that we learn about the aftermath of living on death row.

What is the impact of being condemned for crimes you did not commit? To be told you are so heinous and unworthy that you will be executed, eliminated from humanity? To hear your mother’s cries and children’s sobs as you are taken away ostensibly forever? What is the impact of living in a box, a cage, for years on end, in virtual isolation, with little human contact, almost none of which is positive, caring, loving? What is the impact of watching those around you taken to their deaths, smelling the moment of their extermination, wondering whether you will be next?

We gained insight into answers to these questions through extended discussions with 18 death row survivors, who are among the few uniquely qualified to shed light on the trauma associated with living on death row. Interviewing or even talking with individuals living on death row is exceedingly challenging, made difficult by the layers of security separating death row inmates from the general public, from loved ones, and even from each other. Even fewer individuals can explain the struggle of managing the trauma of surviving death row. Most people on “the row” never experience freedom again. They are either executed or, because of significant errors in their original cases, resentenced to a penalty less than death, such as life imprisonment (Liebman, Fagan, & West, 2000). Few death row occupants are released because of evidence of their factual innocence, and those who are released go through grueling years of legal challenges to obtain their freedom. According to the Death Penalty Information Center (2017a), as of August 2017, 159 former death row prisoners have been released on the basis of substantial evidence of their factual innocence. We call these individuals death row exonerees and death row survivors interchangeably.

We conducted life-history interviews with 18 death row exonerees from across the United States between 2003 and 2007, resulting in over 3,500 pages of typed transcript. (See Table 12.1 for information about our participants.) Exonerees were chosen from the Death Penalty Information Center’s (DPIC; 2017b) list of individuals exonerated from capital crimes because of substantial evidence of their factual innocence. When we began our study, 110 individuals were on that list; the list now includes 159 exonerees. When we began, only two lists of exonerees of any kind existed: the DPIC list and the Innocence Project’s (https://www.innocenceproject.org/cases/) list of DNA exonerees (which in August 2017 included 351 DNA exonerations). When we began our study in 2003, the National Registry of Exoneration (NRE; https://www.law.umich.edu/special/exoneration/Pages/detaillist.aspx) had not yet been launched. By August 2017, the NRE had documented 2,081 exonerations from wrongful convictions in the United States since 1989. We chose to work from the DPIC list because it was inclusive of all exonerees who had originally been convicted of capital crimes, regardless of mechanism of exonerated and because “death is different” (Bedau, 1987). We believed death row exonerees had experienced complex trauma over and above those convicted of noncapital crimes because of their experience of being condemned to death and, in some cases, being close to execution.

Exonerees were chosen for participation according to the amount of time incarcerated and on death row, the state in which the conviction occurred, time since exonerated, race or ethnicity, and gender. (For a detailed explanation of the methods used in this study, which is beyond the scope of the discussion here, see Westervelt & Cook, 2007, 2012b.) Our research required travel to each exoneree because, at that time, exonerees did not have regular gathering events, as they do now, such as at the annual Innocence Network meetings (http://innocencenetwork.org/networkconference/) or the annual gathering of exonerated death row survivors sponsored by Witness to Innocence (https://www.witnessstoinnocence.org/).
Table 12.1
Biographical Details of Participants

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*This category includes only the years in prison for this wrongful conviction and does not include any prior years of incarceration on other charges. In addition, several participants were not released from prison immediately after exoneration as they completed sentences on other, unrelated charges. That time is not included here. This category also does not include any time they spent in jail or prison awaiting trial, which in some instances was 2 to 3 additional years. Numbers (for years in prison and years on death row) are not exact and may have been rounded slightly up or down by 1 to 3 months. The number of years spent on death row may not equal the years spent in prison. Several exonerees received retrials after appellate review and were reconvicted on the same charges, but were sentenced to life in prison rather than death. At that point, they were moved from death row into the general population of prison until their eventual exoneration. This category includes cases in which the actual perpetrator of the crime for which the exoneree was wrongfully convicted either has been tried and convicted for that crime or has been publicly acknowledged in some way as the actual offender, even if not convicted. Of those receiving compensation, only three—Bloodsworth, Butler, and Cobb—were provided compensation via compensation statutes in their states. The others were compensated as a result of litigation pursued against local, county, and/or state officials and agencies. This exoneree prefers to remain anonymous. We have assigned this pseudonym to him.
The focus of our initial study was on the aftermath of wrongful convictions, which had received the least attention of issues around wrongful convictions at the time. What happens to exonerees after exoneration and release? How do they reintegrate into their families and communities? What obstacles do they encounter to reintegration? How do they cope? At that time, we did not specifically intend to examine the enduring trauma experienced by those who had lived on death row. For context, we asked our participants about their time on death row, about their harrowing experiences of being sentenced to die for a crime they did not commit, and how they coped with the turmoil those experiences created. From these discussions, the continuing trauma of a life lived under sentence of death emerged as a significant theme. Our participants made it clear that the effects of life on death row did not stop when the prison door opened to their freedom. Although we had conceptualized life after death row as distinct from life on death row, they demonstrated that the two are inextricably linked. Here, we more explicitly examine this link—how the experience of life on the row colored the life they attempted to rebuild after they left it behind and how new traumas postexoneration added insult to injury.

Emerging from our research, we now work with exonerated death row survivors and others affected by wrongful convictions in a variety of ways, in the tradition of public sociology (Burawoy, 2004). We remain in contact with our original research participants as much as possible and now consider many of them close friends. In fact, we often celebrate life's milestones with them (e.g., marriage, arrival of a grandchild, publication of a book or movie about their case). Saundra Westervelt recently concluded a 5-year tenure on the board of directors for the nonprofit organization Witness to Innocence, whose mission is “to abolish the death penalty” and “to support death row survivors and their loved ones as they confront the challenges of life after exoneration” (Witness to Innocence, 2017, para. 1). Kim Cook serves on the board of directors of Healing Justice (http://www.healingjusticeproject.org/), whose mission is to provide support, reconciliation, and recovery in cases involving exonerations. We have both participated in Innocence Network conferences and Witness to Innocence annual gatherings, where exonerated men and women come together to provide peer support for each other. Occasionally, lawyers and other advocates contact us for advice on how to prepare for a client’s or a client’s family member’s release after a wrongful incarceration. In addition, our social media presence helps to maintain and expand our contact with others who experience wrongful convictions. Exonerees are the “owners,” and we have become the “wise,” to use a concept from Goffman’s (1963) study of stigma.

THE SUSTAINED CATASTROPHE OF A WRONGFUL CAPITAL CONVICTION

We have previously written that a wrongful capital conviction is a “sustained catastrophe” similar in scope and traumatic impact to being a prisoner of war or victim of a life-threatening disease or physical abuse (Westervelt & Cook, 2008, 2012b). Unlike a natural disaster, when the original traumatizing event lasts for a relatively short time, a wrongful capital conviction and incarceration is a traumatic experience that is sustained over a long period. Our participants were incarcerated for periods ranging from 2 to 26 years, averaging 9.5 years (Westervelt & Cook, 2012b, p. 30). The catastrophe begins with the arrest of an innocent person; continues through the pretrial detention, trial, and conviction; and extends seemingly endlessly toward death every day the innocent person is incarcerated on death row. Snatched from their lives and held hostage by the state, death row survivors see the similarities of their experiences to those of other survivors of catastrophes and human atrocities (Westervelt & Cook, 2008, 2012b). Catastrophes alter people’s understanding of themselves, their communities, and their place in the world around them. As described by Cohen and Taylor (1972),

Sometimes the blow is sudden and physical: a motor car accident, being caught in a flood or hurricane. Sometimes it is long lasting: suffering a prolonged illness, fighting through a war, being evacuated to a strange area or being cut off from loved ones. Such experiences have disturbing consequences: we talk of people “going grey overnight,” “being scarred for life,” “becoming stunted” or “crippled” or even “never being the same
again." These experiences are literally or metaphorically shattering: they break the web of meaning we have built up around ourselves and at the same time show how fragile this web is. (pp. 42–43)

Generally speaking, when the moment of trauma ends, trauma survivors struggle to recover from their traumatic experiences, and many experience posttraumatic stress disorder (PTSD; Herman, 1997). According to the National Institute of Mental Health (NIMH; 2017), "People who have PTSD may feel stressed or frightened even when they are not in danger" (para. 2). Some factors that can increase the risk of PTSD include feeling "horror, helplessness, or extreme fear . . . [and] dealing with extra stress after the event, such as loss of a loved one, pain and injury, or loss of a job or home" ("Risk Factors," para. 1). Sociologically, scholars have revealed that traumatic life experiences diminish a person’s social well-being, producing negative effects on one’s sense of self and close relationships (Herman, 1997). The study of PTSD is a moving target (Bair & Long, 2014); it is beyond the scope of this chapter to offer a thorough review. For our purposes, documenting the experiences of exonerated death row survivors reveals that the sustained traumatic conditions to which they are subject continue well beyond their exonerations.

Focusing on the aftermath (Westervelt & Cook, 2012a) of a wrongful conviction, our initial assumption was that the sustained catastrophe of a wrongful capital conviction and traumatizing event ends when the death row survivor is exonerated and released from prison, at which point the rebuilding and management of the aftermath of the original disaster begins. However, our data and our ongoing contact with exonerated death row survivors informed us that the sustained catastrophe, in fact, extends into the postexoneration period, becoming a continuing trauma. At exoneration and release, death row survivors transition into a new stage of the catastrophe that remains contaminated by their death row experience, when the original trauma of the wrongful capital conviction is compounded by systematic inattention, stigma, and lack of recognition of the trauma they have endured (Westervelt & Cook, 2010, 2012b). The social and psychological consequences of life on death row are given added dimension by the continuation of the abuse after release.

just in different forms—for example, continued insistence on their guilt by system officials, exclusion from resources that could assist them with reintegration, inattention to their needs, and failure even to recognize the injustice they have experienced or the depth of the injury (Westervelt & Cook, 2010, 2012b). Thus, the aftermath experiences exacerbate the original sustained catastrophe of their wrongful capital conviction as they grapple with the impact of a life shaped by death row within an unfriendly and often unwelcoming environment. Consequently, we prefer to call this continuing-traumatic stress, rather than posttraumatic stress.

**FACING DOWN DEATH**

“Expertise” comes in many forms, although our academic worlds tend to view scholars as the experts in various fields. It also is true that our exonerees’ harrowing experiences of wrongful capital convictions, incarceration, and survival create an expertise with a different set of credentials. (Westervelt & Cook, 2012b, p. 125)

We focus here on our experts, the death row survivors we know, as they share their experiences of life on death row. It is important to look at the trauma experienced while living on death row to understand the long-term impact of living under sentence of death. These issues have been explored in more depth in earlier chapters of this volume. We examine the themes that emerged from our death row survivors’ time on death row.

The trauma for condemned prisoners likely began when they first learned they would be charged with a capital crime and that they might be sentenced to death for a crime they did not commit. However, the trauma intensified when they were actually convicted and sentenced to die. Hearing that they might be killed was sobering, to say the least. It shook them to the core of their being. Whatever future they had envisioned evaporated at that moment. Fear engulfed them as they contemplated their new life and potential death. As Alan Gell recalled,

I remember [being] carried to death row. . . . You know, I had the same perception that a lot of people in society had. You know, I remember riding on the road thinking, “Oh my God. I’m innocent.
And they're guilty. And these are like the worst of the worst. And I'm fixing to have Charles Manson and Hannibal Lecter and just, you know, evil, evil monsters surrounding me. . . . Am I gonna survive that? Never mind what the state's gonna do to me, I mean, what are they gonna do to me?² 

Perry Cobb's moment of realization went like this:

It's a little hard to describe . . . in words how you really feel when [you hear you are sentenced to death]. See, two things was happening to me at the same time. This is the first time I ever experienced fear. . . . But now, it's for everything. It's for my life. . . . I guess it's like a mother giving birth and the child dies at birth. I don't know. I really don't know. But I do know that it's a pain that no artist can draw if a person's able to give it to him in words. I don't believe that they can put it on a, a canvas . . . you talking about self. And . . . you know, I thought about my children. I really thought about them. I wanted to see my children real bad. I thought, when would I have a chance to see them . . . your mother, your dad and grandparents, sisters, and especially your children. You'll never be able to see them, do anything. . . . It's like a, a dry, rotten weed in the wind. It's gone. It's a dusting, and you'll never see 'em again . . . It's really hard to give you that. I can't give it to you . . . That moment was my whole life. That was my life.

This trauma is exacerbated by the cries they hear from those around them in the courtroom—from children, parents, and other loved ones. As Alfred Rivera recalled,

My cries from my family are what caused me to become emotional and sob uncontrollably. I thought about the uphill battle that awaited me to prove my innocence. I also thought about my son and his mom and how this would affect their lives.

Living with the knowledge that they might be killed at any moment was a burden that contaminated the atmosphere on death row, creating a heaviness of fear and despair. Alfred Rivera offered his description of death row:

Life on death row is stressful as one should imagine. Dealing with the possibility of being executed is a heavy burden that causes psychological trauma and emotional damage. I remember one guy on death row jump[ed] over a rail about two stories up trying to cause his death. I remember a guy who did not want to continue litigation of his appeals because he was tired of continually having to live in the condition of a sitting duck. I remember a guy who would not touch his legal material or read anything about his case because he believed the chips were already stacked against him. These are some of the realities of death row and the psychological effects that death row has on one's psyche. The hardest thing on death row for me was visits from loved ones. I couldn't stand to see them leave me and me not be able to embrace them. It was hard for me because everyone knew this wasn't my place and I should not have been there. It's hard on death row knowing that the day your appeals are exhausted you're doomed to execution. It's hard on death row becoming intimate friends with a guy and then seeing him be led out to await his death the next 48 hours. It's hard to look at a guy and see how he may be executed for something he may have done. There's nothing easy psychologically/mentally about death row. It's pure pain and suffering.

Living with the uncertainty of whether they would be killed drove them to the brink of madness. Several of our participants contemplated giving up by committing suicide or relinquishing their rights to appeal. Juan Meléndez-Colón said, "After ten years, you don't care if they kill you, you live or you die. You're tired." Meléndez-Colón came close to suicide during his nearly 18 years on Florida's death row and at times found himself talking to and playing with the insects in his cell to stay sane.

Other participants came close to their actual executions, coming within hours of being killed. Florida death row exoneratee Shabaka Brown described his outburst against the guards who took him from his cell to measure him for his burial suit, without even bothering to
explain what they were doing. The inhumanity and mundaneness of the routine were shocking to him, and it led him to fight against his captors, leaving him without his two front teeth. Brown received a stay of execution about 15 hours before his scheduled death in Florida’s electric chair.

The most poignant description of a participant’s confrontation with death came from our only female death row exoneree, Sabrina Butler. Butler received an execution date during sentencing, yet no one on her legal team explained that the date was immediately stayed pending appeal. Consequently, as that date came closer, Butler grew more agitated as she imagined herself being taken to the death chamber, in handcuffs with a ball and chain strapped to her feet. She became desperate as the day arrived and she waited for the guards to take her to her death:

When that day came I was the scaredest person in the world. That is a feelin' that I wouldn't wish on my worst enemy. I stood there at the little old door ... the slot in it. ... And I thought, by me watchin' TV, and stuff, that they was gonna come and get you, and you was gonna have this ball and chain on. And these people gonna be walkin' beside you. You goin' down this long hall ... And I was scared to death, and the girl [next to me] kept tellin' me, "Sabrina, they're not gonna do nothin'..." You know, I was standin' there cryin'. I kept telling her, "Yeah, they gonna kill me. They gonna kill me. Somebody call my mama, or somethin' and tell 'em that, you know, I love 'em." ... That whole day, I just sat in my room. I couldn't sleep. I couldn't eat. That is the most humiliating, scary thing that any person could ever go through. I was scared to death because I thought that they was gonna kill me for somethin' that I didn't do.

Later, a guard came by, and she asked why she was not being taken. Only then did she learn that she was never scheduled for death that day. The guard recommended she call her attorney.

The atmosphere of death for those on death row is made thicker by the executions going on around them. Our participants watched many fellow inmates taken to their deaths. As friend and recent death row exoneree, Anthony Ray Hinton, indicated, 54 prisoners were executed around him during his 30 years on Alabama’s death row (Pelley, 2016). Our participants knew when executions were imminent. When the method was electrocution, they could hear the machinery being tested. In some cases, the lights would dim or flicker. They often knew the moment of death by the smell in the air.

Although the public views those on death row as subhuman monsters, death row inmates have gotten to know each other as human beings. In some cases, they have become close friends. Watching another human being, especially a close friend, being taken to his or her death takes an emotional toll unlike any other. Juan Meléndez-Colón described this trauma most clearly:

That was one of the hardest parts of being there was when they kill somebody. You got to recognize this, you livin' in a cell. You got a man next door to you for nine years ... ten years. You become attached without even knowing it. You know. And he tells you things, and you tell him things. And you tell him things that you won't even tell your own family because nobody understands but you and him. So he leans in your shoulder and you leans to his shoulder. And now they come, they snatch him, they kill him. Then you think, "I'll probably be next." So that was the part that probably ... was the hardest part for me in there, when they kill people.

Scott Taylor summed it up this way when describing death row:

The thing about ... death row was, uh, the common thing was death. I mean, the whole intention of you being there is ... to be killed. ... That was a common thing. I mean, if a guy didn't get executed, either, these guys are dying of heart attacks, guys are dying [because their] brain exploded, guy died of AIDS. Guys had heart attacks, and everything else. I mean, that there were natural deaths, executions or someone kill themself.

Although our participants did indeed face down death during their time on death row, what was the impact of this in the aftermath? What does it do to someone to live every day in an environment saturated with fear and the reality of impending death?
AFTERMATH OF LIVING ON "THE ROW"

"We all got damaged, one more than another one. But, we all got damaged. . . . It hurts all the time—everyone hurts from it," said Juan Meléndez-Colón. What is the damage exacted by these years on death row? What must death row survivors confront when they return to their families and communities to rebuild the lives interrupted, and almost taken, by their wrongful capital convictions? Here we try to illuminate aspects of their postexoneration experiences that stem from their time on death row, as opposed to their struggles to reintegrate after prison or to continue to establish the wrongfulness of their convictions. Although we try here to focus on the trauma resulting from their death row experiences, our participants certainly have not experienced these aspects of their aftermath separately. It is all part of the continuing trauma of their wrongful capital convictions.

Disrupting the Psychological Self

Death row survivors confront enormous psychological damage caused by their wrongful capital convictions and time on death row. The confinement, isolation, and heavy atmosphere of death create psychological problems not easily left at the prison door on the day of release. A common form of continuing psychological trauma death row survivors often discuss is their feeling of survivor guilt. Even though they are innocent of the crimes that put them on death row and they fought for their innocence from the beginning, they still ask, "Why me?" "Why was I released?" "Why was I not executed?" Having watched so many others taken to their deaths, they left death row knowing that others they knew would be executed. They also left believing that other innocent individuals still languished on death row, and it was difficult for them to enjoy their freedom knowing they were leaving others behind. The guilt they carry now, even many years after release, haunts them and prevents them from remaining in contact with those they once knew on the row and tempers the joy over their freedom. Gary Gauger summed it up best:

You just feel badly that these guys had to go [to their deaths] and you didn’t, you know? There’s no other way to say it. You just feel badly.

. . . There’s a lot of people in jail that don’t deserve to be there. You feel guilty about it. You just, "Why was I spared and they weren’t?" Especially if you don’t do everything you possibly can to make things better. Then you feel guilty about it, but it burns you out. It’s very hard on you emotionally. . . . I thought I would write prisoners I knew, that were still behind bars, and I cannot bring myself to write them. I cannot bring myself to read their letters. I had a really good friend who’s stuck there for life. Should have been getting treatment in a mental institution. But he’s stuck in a max joint instead. Can’t afford a lawyer. . . . I can’t bring myself to read his letters. I can’t write people. . . . And I don’t know why. I feel very guilty about it. But I just . . . I know what they’re going through. I know what they’re into. And I feel like all I can say is, “Yeah. That’s too bad. Sucks don’t it?” I just don’t feel I have anything for ‘em. I have nothing to give ‘em. And I know that any kind of a letter’s gold in prison. I really should give ‘em that. I don’t. And it’s probably very selfish.

Yet another consequence of life on death row is that death row survivors confront multiple symptoms associated with PTSD. As sociologists, we of course cannot diagnose them as having PTSD. But we can note the frequency with which they discuss struggling with psychological and emotional problems that are earmarks of this disorder: distrust, fear, detachment, depression, disorientation, anger, disruptive dreams of their time on death row.3 This should not be surprising given the literature that clearly indicates the experience of PTSD by those who have been incarcerated, tortured, abused, and held captive (see Westervelt & Cook, 2012b, pp. 169–170, for more information). Noncapital exonerates have made similar occasional references to having PTSD symptoms such as flashbacks and panic attacks (Westervelt & Cook, 2012a).

Our survivors provided valuable insights into their experiences with this emotional trauma. For example, Dave Keaton, often referred to as #1 by his fellow death row survivors because he is the first death row exoneree

3In fact, the tendency to distrust people became a critically important consideration for our research methodology when inviting exonerees to participate in our research (see Westervelt & Cook, 2007, 2012b).
of the modern era (see DPIC, 2017b), struggled to explain his frequent bouts of depression:

I used to get in these deep depressions... Nothing... nothing, nothing would be satisfying to me... Mostly I was just sick because I didn't really sit down. I didn't want to walk. I didn't want to eat... And there was nothing that, everything was just, man, it was just a bore. A total, total bore. Now, there was, there was, nothing, nothing, nothing... It was, I mean it was total emptiness; it was total.

Like others facing depression, Dave used alcohol and drugs to manage these episodes of depression, not an uncommon coping strategy for many of our participants.

Gary Gauger resonated with such episodes of "nothingness" when describing a depression that was brought on by a deposition he gave in a lawsuit against the state, prompting a flashback to his interrogation:

I can only describe the symptoms as, particularly in severe episodes, as it feels like what I would imagine having a stroke. I don't lose physical mobility, but I get very confused. It's very frustrating. I can't articulate even simple ideas. You know, people ask you simple questions, and I can't answer back. After my deposition, I had a flashback of being in the interrogation room during the deposition, and for the next week it was very similar to what it was like the week after my arrest. Where, um, very confused. I couldn't drive my truck. I couldn't carry on simple conversations. I couldn't explain how I felt about anything. It's like having a stroke.

He continued to describe his depression, saying,

Good days. Bad days. Days are days. They're all the same. They're all different. I don't know. My depression, it comes and goes so unexpectedly. And sometimes it'll go for weeks, and I don't even know it until it lifts, and then I go, "Wow! That was a rough one." You know you've been out of it almost. It's like you've been slogging through the swamp in the fog for three weeks... And when you're depressed, it's like you've always been depressed, you'll always be depressed, there's no hope for ya.

These periods of depression are compounded by feelings of detachment and disorientation and of anger as well. Death row survivors often discussed how they felt separate from those around them, apart from them, and not truly connected or interacting with them. Perry Cobb explained it as follows:

I can't say that [my feelings] were dead. I said that [they] had just fled.... I didn't have no feelings. I didn't like. I didn't love. I didn't hate. I didn't dislike. I was just, I see you and that was it.

That said, the one feeling survivors did often have and were forced to learn to manage is anger. They referenced how others in their networks believed they had anger "issues" that had to be addressed and that could explode without warning. They felt anger over any number of wrongs they had experienced—anger over their wrongful convictions, anger over their treatment by prison officials while on death row, anger over the lack of resources available to them after release, anger over the system officials who put them on death row (in their view), anger over the friends who abandoned them, anger over time and loved ones lost. In a few cases, they searched for help with their anger from professionals, but this was not common. More often, they unloaded their anger on the loved ones around them or attempted to numb it with alcohol and drugs.

Finally, survivors struggled with an array of fears from having lived in such close confinement and isolation on death row. This problem comes in a variety of forms. For example, they may have gotten lost in buildings and large spaces, felt claustrophobic in small confined spaces, and become anxious sitting in a corner where they could not see the door. They did not like the feeling of "chaos" that comes from large crowded spaces, such as a mall or street fair. This discomfort may be chronic. Although it is most intense in the initial period after release, it can linger for many years. During some of our interviews, we had to rearrange the interview space to ensure that the death row exoneree was comfortable in that setting. When interviewing Juan Meléndez-Colón in his hometown in Puerto Rico, we watched him rearrange the chairs in restaurants we visited. He also got up repeatedly to walk around after a few minutes of discussion.
These symptoms of PTSD are compounded by the invisibility survivors encounter after release. Unlike veterans returning from war who are recognized as having PTSD and offered some services (though not enough), the needs of death row survivors are invisible to the government and to the communities to which they return (Cook et al., 2014; Westervelt & Cook, 2010, 2012b). Exonerees are excluded from services provided to parolees, they must fight for an expungement of their felony records, and they typically do not receive compensation of any kind, much less official recognition of their innocence. Their invisibility then fuels the depression, detachment, and anger already at play and makes a bad situation worse. Rather than receiving assistance to manage their mounting emotional and psychological needs, they must count on their own limited resources to address the trauma that pervades their lives.

Disrupting the Social Self

"Inmate" is a master status unlike most others; it overpowers other statuses and is exceedingly difficult to discard (Hughes, 1945; see also Goffman, 1963). "Death row inmate" compounds the stigma and damage (Westervelt & Cook, 2012b). In general, people fear those who have been in prison (Petersilia, 2003) and even more so those who have been wrongfully convicted (Clow & Leach, 2015), which is a testament to the enduring quality of the erroneous determination of guilt. In Goffman's (1963, p. 70) terms, prisoners have been discredited as a result of "ill fame" (see also Clear, Rose, & Ryder, 2001; Elliott, Ziegler, Altman, & Scott, 1982; Harding, 2003; Hirschfield & Piquero, 2010; Winnick & Bodkin, 2008).

People's interactions with ex-prisoners are negotiated through the prism of the stigma they carry, causing people to treat them with disdain and suspicion. As a result of their discrediting stigma, ex-inmates are perceived as dishonest, immoral, and, in some cases, even less than human. (Westervelt & Cook, 2012b, p. 173)

Fear of those who have been incarcerated, particularly if they have been consigned to death row, likely stems from stereotypes of those who commit crimes worthy of incarceration. In the case of death row, most people believe that those sentenced to death have committed heinous and violent crimes resulting in someone else's death. In addition, because of extensive media exposure (O'Sullivan, 2001; Rafter, 2000), the general public may have impressions of the brutal and violent nature of the prison environment, exacerbating the public fear of returning death row prisoners. When wrongly convicted death row inmates are released from prison, they may face additional trauma by being rejected by the communities in which they hope to live. In some cases, public officials continue to assert exonerees' guilt, even as they are released from prison because of overwhelming evidence of their factual innocence. Thus, regardless of our participants' claims of innocence, they are most often viewed as returning death row inmates—people to be feared, isolated, and rejected. Kirk Bloodworth described his experience with community rejection:

But when I got down here [to my hometown in Maryland], I was a pariah to the community and to everybody around. Everybody thought... "You got out on a technicality." I said, "Technicality? DNA's a technicality?"... This was a recurring theme, everyday almost.

Bloodworth also described incidents when people he had known since childhood avoided him in public places. In the local grocery store, someone complained to the store manager and asked for Kirk to be removed from the premises.

Mississippi exoneree Sabrina Butler lamented her unfair stigmatization in her hometown, where her case was high profile:

I'm all on TV. And I'm this person... this heinous murderer that stomped my baby.... They have just destroyed my life! And nobody has said, "Hey! We're sorry." And I'm angry. I am very angry because I can't get back what they took from me! I can't get that back. And that's the part that makes me mad. It makes me mad because I got children, and my kids hear this. "OK. Well, you know your mama ain't no good, you know, your mama killed your brother."

Here, Butler also explained how the stigma affected her family; her children were often bullied in school for having a mother on death row.
Greg Wilhoit expressed less concern for his own situation than that of his loving and committed parents who experienced this “stigma by association”:

In my case, it was Guy and Ida May Wilhoit. They lost their identity pretty much. Everywhere they went, they were like the mother or the father of an individual so vile and so reprehensible that not only had he forfeited his right to live in society, he forfeited his right to live altogether. Try livin’ with that.

Given this unrelenting stigma, our participants have fought to reconstruct their identities as responsible, innocent members of the community. Often, they felt compelled during our interview to claim their innocence repeatedly, to assert their reputation as worthy, normal people. We see this as an attempt to reestablish their reputations in the face of a stigma that has pursued them and shaped how others see and treat them. Alabama death row survivor Walter McMillian is most emblematic of this battle with stigma.4 Throughout the interview, he articulated how no one who knew him could ever think he was capable of such a heinous crime. The following exchange illustrates his insistence on his reputation:

I ain’t had a soul ... nobody ... I mean, black or white, even spoke to me no kind of way like that because everybody know, everybody know I didn’t do it. I mean it just, it ain’t some. “You mighta coulda did it.” It’s impossible for me to done it, you know.

And later:

I ain’t seen nobody yet, act no kinda way, you know, like they mad at me, or got nothin’ against me about sayin’ how they believe I had somethin’ to do with the child getting’ killed ... killed the child, somethin’ like that ... black or white. I mean, I talk with all kinda white people, all kinda black people. And everybody know it. They know the truth.

4 Walter’s story also is described in rich detail by his attorney, Bryan Stevenson (2015), in Just Mercy: A Story of Justice and Redemption. We are grateful to Bryan Stevenson and his team at the Equal Justice Initiative for helping us to include Walter in our research.

And again later:

That’s right. ... Like I say, everybody’s treatin’ me just as good, or better. So I am blessed. ... See, if it had of been possible that I did it, you know, that would make a difference to, you see. But everybody know it impossible.

Scott Taylor made it clear:

I want people to believe me. You know ... I didn’t do it. You know. I’m free and I still plead, “Look, I didn’t do it.” ... I still feel like I have to convince people that I didn’t do it. Before people hear me, you know, I’m being judged. You know. When they mention the case, are they saying, “Man, maybe he did do it?”

In this way, confronting the continuing trauma of having to defend their innocence, our participants are battling double stigmas of having been incarcerated and having lived on death row. They want people to believe they are not violent, brutal people deserving of death. They want to rebuild their identities and reputations around innocence.

Time on death row disrupts the survivors’ identity and ruptures their family and other social relationships. This, of course, is a common consequence of incarceration in general (Haney, 2003), and our participants said this disruption was intensified when they were condemned to death row. Prison makes it difficult to maintain ties with those on the outside—for example, visits and phone calls are not made at will, contact visits are limited, and mail is subject to surveillance (Johnson, 1998; Petersilia, 2003). As Goffman (1961) noted, the point of a total institution is, in part, to isolate the inmate to ensure disconnection from preexisting statuses and relationships. Death row intensifies the isolation because visitors are not allowed contact with inmates and access is even more restricted (Westervelt & Cook, 2012b). Death row is typically located in only one or two maximum-security institutions in a state, and the death row institution may be far from where the person was originally convicted. Visitors may have to travel many hours to reach the prison. Maintaining familial and friend relationships becomes exceedingly difficult, and rebuilding those relationships after release is even more strained.
Among our participants, almost everyone lost someone while on death row. In several cases, they were told of a parent or grandparent’s death often weeks after the actual death had occurred. One participant, Shabaka Brown, learned of his brother’s death after the prison would not allow him to donate his kidney, even though he had been identified as his brother’s only viable match. Several survivors were divorced while on death row or soon after release. Several exonerees lost custody of their children. Sabrina Butler battled for 4 years to regain custody of her older son after her release. In other cases, exonerees’ children were adults by the time of their release. Everyone lost valuable time with children and loved ones, time at holidays and birthdays and family events, time spent building relationships and sharing in each other’s lives. In those years, the family adapted without expectation of their loved one’s return, expecting instead to see them executed (Sharp, 2005; Vanderswift, 1989). Most of our participants discussed the difficulty of rebuilding those relationships when they returned and, in some cases, grieving the losses of those who had died in their absence. Their relationships most certainly are never the same, and sadly some could not be saved.8

Securing employment is another area where the aftermath of death row disrupts the social self. Most exonered death row survivors receive no assistance with record expungement. The felony capital conviction that remains on their records severely limits their access to stable employment. Exonered death row survivors have reported that they have a difficult time finding employment. Their job skills were obsolete, their resumes had big gaps, and they had a difficult time maintaining a schedule. Particularly traumatic for them was “the box” on employment applications asking about criminal background. Because their wrongful convictions had not been expunged, prospective employers often discovered that they had been convicted of capital murder. Without meaningful assistance to acquire new skills and clear their names, they reported feeling extremely frustrated, angry, and helpless in their efforts to be financially solvent (Westervelt & Cook, 2012b, pp. 65–69).

Finally, death row disrupts the physical health of those who live there. Health care in prison is not good (Fleury-Steiner, 2015; Johnson, 1998). Our participants reported receiving the lowest priority, perhaps because they are expected to one day be killed. As Juan Meléndez-Colón bluntly stated, “See, they not gonna give you the best medicine. You condemned to death. Why give you the best medicine when they probably kill you tomorrow?”

Our participants discussed the many ailments that were caused or exacerbated by their confinement, lack of access to basic medical care and nutrition, and stress. These maladies included arthritis, asthma, dental issues, diabetes, digestive problems, eye sight problems, heart problems, hepatitis, high blood pressure, and skin rashes. Their health problems were structured by the lack of quality care they received while on the inside and then were exacerbated by their continuing lack of access to health care after release. Given that all our participants were released before the passage of the Affordable Care Act, the extent of their access to health care was almost solely dependent on their employment benefits or their spouse’s employment (if married). Thus, most of our participants struggled with medical and dental issues at some point after release. In some cases, family members or advocacy organizations were able to provide resources to tend to pressing needs. However, in many cases, needs went unmet.

Now, almost 10 years after our final interview for the original study, we have been able to see the continuing impact that our participants’ time on death row has had on their overall well-being. Sadly, of the 18 original participants in our study, five died either directly or in part from health issues resulting from their time on death row and in prison.9 Clearly, the disruption of the social and physical self is a consequence of their wrongful capital convictions and time on death row and a source of continuing trauma that they must negotiate and manage on a daily basis. This disruption is magnified by the state’s failure, in many cases, to fully recognize their innocence and provide basic assistance in rebuilding their identities, skills, and families.

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8This is a complex aspect of continuing trauma after release; please refer to Westervelt and Cook (2012b) for a more detailed exploration of these issues.

9Tim Howard (Ohio), Dave Keaton (Florida), Walter McMillian (Alabama), Delbert Tibbs (Florida), and Greg Wilhoit (Oklahoma) have all passed away.
CREATING BETTER OUTCOMES

After exoneration and release, death row survivors confront a web of difficult and confusing obstacles to starting over: finding a place to live; reconnecting with family; acquiring new job skills; finding a job; accessing physical, dental, and mental health care; buying clothes; getting an official ID of some kind—and the list goes on (Westervelt & Cook, 2012b). Whether assistance is available to them (and how much) is structured by the support group around them, the advocates and/or organizations responsible for their exoneration, the state in which they live, and even the nature of the exoneration itself. Some receive meaningful assistance from the moment they leave prison, whereas some are left mostly on their own.

In some cases, the Innocence Project that worked with the exoneree provides social work services, at least initially. For example, the Innocence Project in New York retains caseworkers who help exonerees get back on their feet and work closely with them for 2 years. A few organizations have emerged to provide at least some assistance to death row exonerees. Of note are Witness to Innocence and Healing Justice. Witness to Innocence is the nation’s only organization by and for death row survivors. It is an abolitionist organization that provides outlets for death row exonerees to tell their stories and to come together for camaraderie and emotional support. Witness to Innocence employs a staff social worker to help death row exonerees with any pressing and emergent needs. Healing Justice was established more recently by Jennifer Thompson, advocate and victim in a highly publicized wrongful conviction case in North Carolina (see Thompson-Cannino, Cotton, & Torneo, 2010). Healing Justice works with exonerees to locate services in the areas in which they live. Healing Justice also brings together exonerees and original crime victims in wrongful conviction cases for weekend retreats to promote healing and understanding. Finally, we recognize the tireless work of advocate and attorney Jon Eldan. Jon has been working with exonerees for many years to help them negotiate the complexities of Medicaid and the Affordable Care Act to access health care. He has established After Innocence (http://www.after-innocence.org/), a nonprofit organization dedicated to assisting exonerees with reentry services.

Although the resources provided by these organizations are life altering for many death row exonerees, what is missing is a coordinated response to the aftermath problem by government and nonprofit agencies. No matter how well-meaning and persistent, the nonprofit organizations that currently bear the burden of reentry assistance for survivors always will have limits to their scope and resources. The public agencies responsible for wrongly incarcerating survivors must begin to take more seriously their responsibilities toward helping exonerees rebuild, beginning with the recognition of the harms the state has created (Westervelt & Cook, 2010). In the final years of the Obama Administration, the federal government began to show interest in developing strategies to directly assist exonerees or to work with states to provide assistance. For example, the federal government included exonerees in the language for the reauthorization of the Second Chance Act (2007), which provides resources to local and state agencies working on inmate reentry and lowering recidivism. However, this bill is stalled in committee (Second Chance Reauthorization Act, 2017).

State governments also have to step up to the plate by actively assisting exonerees with expungement of their records, expenses now mostly borne by the exonerees or their advocates (Shlosberg, Mandery, West, & Callaghan, 2014). State governments should seriously examine the compensation statutes they have in place to remove obstacles to meaningful, comprehensive, and immediate assistance. Those 18 states with no compensation statute should examine statutes in other states that have proven to be effective and institute a new compensation policy immediately (see the Innocence Project; Norris, 2012).

In short, the state that is responsible for the wrongful capital conviction should take ownership of its role in ameliorating the damage caused to death row survivors and their families.

\*This is based on personal knowledge of the authors who were directly involved in meetings with the federal government through their work with Witness to Innocence and Healing Justice.
CONCLUSION

Our research documents that the trauma of a wrongful capital conviction and incarceration does not stop when death row exonerates are released from prison. The disruptions of the social and psychological selves initiated by their time on death row continue into their postrelease lives and are, in some ways, exacerbated by the stigma, invisibility, and rejection they so often confront. It is clear to us that for this population the concept of posttraumatic stress might be better conceived as continuing traumatic stress.

Although many may believe that the social and psychological trauma of life on death row ends at the moment of release, death row survivors tell a much different story. Freedom is certainly better than incarceration, but the aftermath of living on death row is lifelong, generating continuing trauma from which there may never be full recovery. The sustained catastrophe of their wrongful capital convictions continues after their release as they confront the aftermath without the benefit of open recognition of the harm done to them or the needs they then have (Westervelt & Cook, 2010). In spite of their efforts to rebuild their lives and families, the experience of life after death row is characterized by displacement, struggle, and continued isolation. In spite of their efforts to recreate a place in the world they left, many are never able to find a place in which they completely fit. As Juan Meléndez-Colón said,

We're in another world now. And the world, it's not people. It's not because people do not understand you. It's more that you do not understand people. This is they world, not yours. You got to put yourself back in they world.

As we have said elsewhere about death row survivors, life after death row is best understood as being dislodged and displaced, thrown into a state of anomic with little to no assistance with reconstructing or refinding connection and community. At the core of the exoneree experience is their expulsion from their place in this world: Where do they fit in? Where do they now belong? ... From the mundane everyday tasks of pumping gas and grocery shopping to the emotionally draining difficulties of managing loss, guilt, and depression, they confront new battles around every turn. Sent into the fray with no preparation and little or no assistance, they struggle to build a new life and find a new home. Although some have more success than others in building that life, the process for all of them is painful and challenging. (Westervelt & Cook, 2012b, p. 104)

This is the aftermath of the sustained catastrophe and continuing traumas of a wrongful capital conviction and life lived on death row.

REFERENCES


