

A SAINT ON DEATH ROW

The Story of Dominique Green

Thomas Cahill



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In memory of

Raymond E. Brown

Ursula M. Niebuhr

Jacqueline Kennedy Onassis

kind, courageous friends

If you are not loved, you do not exist.

— MARIO MARAZZITI

PROLOGUE



I first met Dominique Green in December 2003. Right after our meeting, I wrote this account of my impressions.

He moves with an athlete's grace; and his gestures, though economical, are expressive and dramatic. In repose his face has the dignity of a Benin bronze, and yet it is quickly animated by spontaneous displays of sympathy, humor, concern. Lights flash playfully in his dark eyes; he smiles and laughs easily. His quiet brow shows no effort or anxiety, but his eyes, when concentrating, seem to look beyond the present to a better world that only he can see. His countenance is suffused with an aura that, if one did not know something of the harshness of his history, might be mistaken for innocence. It's not innocence but goodness. His conversation is the most amazing thing about him: lively, liquid, without uncertainty, without cant or jargon, alive to the presence of his visitor but patiently pressing our dialogue in the direction of his own profound concerns. It is unusual—at least outside ancient literature—to come upon his combination of intelligence and simplicity, suggestive of an untrammelled soul. He seems a born leader with no hint of the trivial about him and so devoid of the mundane concerns that weigh down most of us that you would feel no surprise to hear someone predict that, mark my words, this fellow will one day take his place as chief justice of the United States or archbishop of Canterbury or secretary general of the United Nations.

But Dominique Green can be none of these things. He is, rather, an inmate who lives in the solitary confinement of a six-by-nine-foot cell for twenty-three out of every twenty-four hours along the infamous Texas prison corridor called Death Row. When he is permitted a visitor, the visit must take place in one of a row of tiny visitors' booths, each booth divided by a window of double glass through which prisoner and visitor may observe each other but never touch. In order to converse, the two must make use of telephone receivers attached to the walls.

Dominique is where he is for two reasons only: because he is poor and because he is black. Raised in an alcoholic household by a mother whose idea of discipline was to burn the palms of her children's hands, living on the streets of Houston from the time he was fifteen, Dominique was no angel—nor should the society that failed him utterly expect him to have been. At eighteen he was involved, it would seem, in an armed robbery with three other boys. The victim pulled a knife. There was a struggle and one shot was fired, killing the victim. The only independent eyewitness did not identify Dominique as the killer. The police did a deal with one of the boys—the only white one—that left Dominique charged with, and soon convicted of, capital murder. The white boy, never charged with anything, went free, and the district attorney interfered with investigators attempting to interview him; the three blacks went to prison. Dominique alone was sentenced to death after testimony from a psychologist known to believe that African Americans and Latinos are more prone to violence than others are likely to be. This psychologist was chosen by Dominique's court-appointed attorneys, who appeared—even to the victim's wife—to work hand in glove with the prosecutors. These attorneys failed to introduce evidence that there had been a struggle (which would have led to a conviction for man slaughter, rather than murder), nor did they request DNA tests of any kind.

Over the eleven years Dominique has lived on Death Row, where he will soon reach the end of his appeals, he has grown from a neglected and abused boy into a man of stature. At first, he was full of self-hatred and hatred toward all those who had helped land him where he was. But the year-in, year-out faithfulness of a young woman who refused to let Dominique sink into a cauldron of despair finally brought him to his senses. He began to look around him and to take inspiration from older inmates; he began to read, to write poetry, and to draw. His reading has brought him to every category of fiction and nonfiction. He dislikes only fantasy, an understandable prejudice for someone in his situation. He has become a man not only of learning but of wisdom.

Not long ago, he read Archbishop Desmond Tutu's book *No Future Without Forgiveness*, about the archbishop's

experience as chairman of South Africa's unique experiment, the Truth and Reconciliation Commission, during whose sessions perpetrators of political violence were encouraged to tell the truth about what they had done in the course of the apartheid era, and the victims of that violence (and their families) were encouraged to forgive those who repented their violence. Dominique was deeply impressed by the book and realized that this was the path he and his fellow inmates must take. He pressed the archbishop's book on anyone who would have it. (You may wonder how it is possible for men in solitary confinement to converse with one another and to share things. Since it would be a transgression for me, who was told many things in confidence, to describe the prisoners' methods, all I can say is that human beings are infinitely inventive.)

Under Dominique's leadership many, perhaps even most, of the inmates on Death Row in the State of Texas have now forgiven everyone who has harmed them and, insofar as they can, have asked forgiveness from those they have harmed. Dominique is convinced that he has a vocation to inspire the kids who turn up on Death Row to drop their petty hatreds and to morph into larger, more generous human beings—in the same way that older inmates, since executed, once provided spiritual models for him to follow. Of course he would love to be free, but he also knows he has found his role—a meaning and purpose for his life that no one can take from him.

When I visited Dominique this first time, it was mid-December. The prison was full of Christmas decorations and the sounds of staff and visitors wishing one another merry Christmas, happy New Year. I asked Dominique what Christmas was like along Death Row. For the only moment in our long conversation, his eyes filled with tears. We share with one another, he said, and those with no money to buy anything from the prison commissary are given gifts of food by more affluent inmates. ("Affluent" is an exceedingly relative term in this context: there are no millionaires along Death Row, nor will there ever be.) We even have a sort of feast with each one sitting by the door of his cell, surrounded by his gifts, as present to one another as we can be. In all, it is a wonderful day, said Dominique; and all of us, both givers and receivers, feel better about ourselves.

Gifts. Good wishes for the future. Sharing what we have. Taking comfort and strength from the presence of others. Feeling better about ourselves. Surely, this sums up what everyone wants from Christmas. As I left Dominique and made my way along the metal corridors, waiting for each of several locked doors to spring open and bring me a step closer to freedom, I caught a glimpse through a pane of bulletproof glass of a tiny crèche displayed on a table: stable, donkey and cow, sheep and shepherds, and the central group of father, mother, and child—marginalized figures of poverty and ethnic disparagement in their time, forced to take a long, uncomfortable journey in the woman's ninth month of pregnancy in order to satisfy the state and its need to wrest from poor people the little they had. Then, having reached their goal of Bethlehem, there was no room for them anywhere and they were forced to spend the night of the child's birth in a cattle stall. Their world was harsh, a world where men were crucified for no good reason (supposing there can be a good reason to crucify anyone), a practice that would one day claim the precious little baby the woman had just given birth to.

Were they bitter, this man and this woman, bitter about the world they found themselves in, bitter about the lot they'd been assigned? Did they wonder if God had abandoned them to be permanently oppressed by the rich, the powerful, the careless, the unfeeling? No, I reflected, their lives were not confined to the politics or circumstances of the moment, however appalling. They had faith that, as the woman put it, God would one day "rout the proud of heart, pull the princes from their thrones and exalt the humble, fill the hungry with good things and send the rich away empty." They were so sure this would happen that they lived as if it had already come to pass. And, besides, they had a brand-new baby, who made them so happy they could almost hear angels singing, "Peace on earth, good will to all."

That angels' song, faintly discerned more than two thousand years ago in Bethlehem, may still be heard this Christmas, not perhaps in your local shopping mall or around your Christmas table or from the choir loft of your local church. These are the places where we try, usually unconvincingly, to reenact the first Christmas, the real

Christmas. But without doubt it will be successfully reenacted at Polunsky Unit, Livingston, Texas, by forgiving people no one wants, who live bravely in the Valley of the Shadow of Death, comforted and encouraged onward by a man with a face both simple and luminous.



The man known to me as Dominique was born Dominic Jerome Green in Houston, Texas, on May 13, 1974, the first child of Emmitt and Stephanie Faye Smith Green. This was less than four months after my own first child was born. As in all our lives, the most important truths of our histories come to us through the uncertain lenses of remembrance, viewpoint, and self-justification. It is always hard, and often impossible, to sort out what actually happened from the way it is remembered either by the subject himself or by those closest to him. But having listened to several witnesses to Dominique's early life, I set down here the truest account I can frame of his early years.

That Stephanie was a mother from hell seems to be taken for granted by everyone. But the truth of this portrait is open to question at least in some of its particulars. How did Dominique, who looked so much like her, who possessed her intelligence and even her cunning, evolve into the expansive human being he became if all his early experiences were negative? Mothers mold us more surely than do all others. In his earliest years, Dominique's mother was a different woman from the creature she became. Our most damning evidence against her comes from the 1980s, and there are no incidents related of her before 1981 that would force us to name her an abuser of children.

I met Stephanie and spent several hours with her in mid-July of 2007. There can be no doubt that most people would find her evasive, narcissistic, and creepy. The row of gold-capped teeth that glint from the front of her mouth, combined with the quicksilver indirection of her responses, can almost leave the impression that you are speaking with an android, a counterfeit human being.

Stephanie was brought up in a household that she claims was in league with the devil, a family devoted to the worship of Satan. Certainly, her mother was a practitioner of voodoo and believed she could put curses on other human beings and magically control them. Stephanie was forced as a child to have sexual relations with several, perhaps all, the mature males of the household and of her extended family. When she was barely into her teens, she gave birth to a baby girl, the result of one of these encounters. Her mother took the baby and raised it as her own and threw Stephanie out of the house before she was fifteen.

Despite this terrible beginning, Stephanie was able to function as wife and mother at least for a while. From the first, she acted the part of the dominant parent, Emmitt always assuming the more passive role. Defining herself in contrast to her mother's grotesque religious practices, she attended her local Catholic church and had her children baptized there. Stephanie surely admired her first baby: "I remember this little guy about nine months old tottering across the floor on his feet. He's nine months old and he's walking, O.K.? I remember this little guy who used to have a beautiful smile. He was smart as a whip. He could do anything he set his mind to. He'd do it. He was always leading stuff."

In 1976, two years after Dominique's birth, his younger brother Marlon, another handsome child, was born. The two boys became inseparable companions and, soon enough, co-conspirators. Stephanie and Emmitt would have a third child, Hollingsworth, but not to

1985. By then, the cracks in their lives had become too obvious for anyone to miss.

When Dominique was six, two supposed friends of Emmitt broke into the house, intending to rape Stephanie and kill Dominique and Marlon in retribution for a drug deal gone wrong. They did not succeed. But when Dominique was seven, another episode of violence left invisible scars: Dominique was raped by a priest at St. Mary's, the Catholic school he attended in Houston. Though his mother withdrew him from the school, she failed to inform either the police or school or church authorities. She did not even tell Emmitt, nor did she arrange for a medical checkup for her son. From this time forward, the life of the Green family started to disintegrate as Stephanie, succumbing to the nightmares of her own history, began to ignore her children and enter into the world of destructive madness she had inhabited inconstantly ever since.

It is a common experience of sexually abused children that they come to think of themselves as disposable beings of no account. That, after all, is what those closest to them have shown them they are worth, that is what society has reinforced by its silence and nonintervention. All that is required is for such children to internalize this external judgment of others as the value they place on their own lives. They become zeros—and they begin to act out their own emptiness. This is why sexual abuse of children is often labeled “suicide murder.”

Of course, this process can be short-circuited and even reversed if there are people in the child's life, especially parents, teachers, and similar figures of authority who stand up for him, telling the child—by word and especially by deed—that he is valuable, that the rape (or lesser abuse) was an evil exception that should not be factored into his own judgment of himself.

It may be that Stephanie was whole enough, courageous enough, to ward off for a time the judgment that her family of origin had placed on her, but that an attempted rape and the attempted murder of her children, followed by the rape of her firstborn son by a sacral figure in whom she had placed her trust, was too much for her to withstand. The rape of Dominique, especially, may have so troubled her that she could not recover her equilibrium.

She descended into alcoholism, began to prostitute herself for money—in full view of her children—and alternately ignored and persecuted them. She was especially hard on the eldest, who stood up to her and resisted her bizarre impositions and demands. She beat him, scorned him as weak, demeaned him as “the black sheep.” She had come to hate him, as she hated herself, for having been raped. Emmitt, never a bulwark but nonetheless a skilled musician who taught Dominique to play drums and guitar, turned into a full-fledged drug addict, absent in mind if not in body—a characteristic casualty of the 1980s. About this time Emmitt's mother, Dominique's loving grandmother, died. She was the adult Dominique had been closest to and felt protected by. One would think that the familial landscape could hardly become more bleak.

And yet, life continued to worsen. “Alcoholism,” Dominique would recall much later, “changed my mother. It ate up her mind and slowly destroyed her heart. No longer was she that loving and caring mother I once knew: she became very hateful, bitter, and unfortunately abusive. All the memories she'd repressed, all the things she went through in her life, came back to haunt her in full force.” The household was now awash in booze and drug

and unsavory visitors often lurked nearby or within the precincts. Phone calls were often received from pushers, pimps, and johns. When Dominique, who had just recently learned his letters, received one of these calls and failed to write out a message for his mother, she punished him by holding the palm of his right hand over a gas flame. It was a close replay of something her own mother had done to her. A few years later, Stephanie would punish Dominique in the same way again. Luckily Dominique was left-handed (which his mother bullied and taunted him for), but he carried the ugly scarring from these incidents into adulthood. When Dominique was nine, his father gave him a gun for self-protection.

By the time he reached eighth grade, Dominique resolved to be known by the name he would bear from then on: he was no longer “Dominic,” the name his mother had given him at his birth; he was reborn as “Dominique,” the name he had given himself. It was a token of the growing resolve of this boy to take control of his life, to act as his own man.

A year later, in 1989, Stephanie and Emmitt separated; in the same year, Stephanie suffered a head injury at the Nabisco factory where she worked and had to be hospitalized, after which her behavior deteriorated further. In one incident, she shot at Dominique with a pistol because she thought he had left a metal knife in her microwave, which then exploded. It was actually the five-year-old Hollingsworth who had done so, but Dominique, observing his mother’s hopped-up condition, took the blame for the explosion. Before she went for the pistol, little Hollingsworth, foreseeing what would happen next, managed surreptitiously to empty the pistol of its bullets. Stephanie would attempt to shoot Dominique on one more occasion but succeed only in shooting up her own car, which was parked behind him—her sons finding this an occasion for hilarity.

In 1990, Stephanie was admitted to a mental institution, the first of several such admissions, and she was diagnosed as schizophrenic. When her children visited her, she claimed not to recognize them. The children were left at home alone to cope as best they could. Dominique was then beginning to get into trouble with the law and found himself sentenced briefly to a juvenile detention facility because he had been found with a small quantity of marijuana and an illegal weapon. That summer, Stephanie, in one of her visits home, tried to have Dominique placed in juvenile detention again, along with Marlon, her middle child. Failing to achieve this objective, she kicked both boys out. In the same summer, Emmitt, at a new job after a spell of unemployment, roused himself at last and obtained custody of all three sons. But Dominique, “so hurt,” as he put it, refused to board with his father and, resolving to find a new way to manage, dropped out of sight.

For a time, Dominique crashed with friends, then spent some weeks in the open with a homeless man, who taught him the ins and outs of sleeping under the highway or in abandoned cars. Finally, Dominique rented a storage shed as a place to live. He was finished trying to abide Stephanie. Though he had left home on a number of occasions in the past, this time he had no intention of returning. He was also finished with school. After the rape at St. Mary’s, he had attended a public elementary school, then two different middle schools followed by three different high schools. Though he was smart and intellectually curious, the goal of education, as it appears to normal children, could have no appeal for him.

He hoped to avoid additional stints in juvenile detention, where he had been sexual

abused by staff, especially on visitors' days when no one ever showed up to see him. When other children were receiving visits from family members, Dominique was lying on his bed in a pool of his own blood, which leaked from his torn anus. Pedophiles, always drawn to jobs that entail unsupervised work with children, are also keenly aware of which children lack adult protection. (A series of reports in the *Dallas Morning News*, beginning in February 2000 and picked up by newspapers such as the *New York Times*, has brought to light that the sexual abuse of minors has long been pervasive in Texas's institutions for juvenile correction.)

In his late twenties, Dominique would look back on his personal experience of sexual abuse in a poem entitled "What does hate create?":

I watch him
 cry out
 stretched out
 turned inside out
and nobody does anything
no one utters a peep
but everyone knows what happened
and feels the tears that pour down his face
understands the pain that dyed his sheets with blood
from hungry erections injecting him with hate.

Next to this poem, he would one day draw a surrealistic picture of the boy these rapes had made of him, a tense, tearful child out of whose eyes grow thorny stems that end in fantastical flowers—a multivalent image that incarnates the tension between the child's private aspirations and the pain of his reality.

Just sixteen, Dominique knew his fate was now entirely in his own hands. But he also meant to do whatever he could to protect his brothers, an obligation he took with his utmost seriousness.

Both Marlon and Hollingsworth remain full of memories of Dominique's protective role in their early lives. Hollingsworth, eleven years younger than Dominique, remembers him as "loving, honest, true friend, a mentor, a leader," who took him to clothing stores and toy stores and to the amusement park to ride the go-carts and the little trains. He played basketball and football with Hollingsworth and his friends and was always "very gentle." Marlon recalls being afraid of the dark and Dominique descending from the upper bunk bed to lie next to him till he'd fallen asleep. "He was almost like my second dad. He did a lot of things that a father should do and my mom couldn't do." Dominique tried to teach Marlon how to withstand Stephanie, how not to give in to her in his mind. "About the time that Mom started getting physical, he was like a human shield almost," Marlon remembers. "He deflected a lot of stuff that was directed towards us from my mom [and from] a couple of my teachers. He served as a buffer. She told us that she really didn't want us, that she wished she had never had us. After that, it was just him and me against the world." Emmitt himself admitted in an interview in 2003 that Dominique cared more for his brothers than did he and Stephanie.

How would Dominique at sixteen continue to protect these brothers, at the mercy of ma

Stephanie and inconstant Emmitt? Part of the solution would lie in earning sufficient money. He had already had some experience selling drugs; now it became his livelihood. "I chose the drug trade," Dominique would write later, "because I didn't have the nerve to be a burglar, the heart to be a jacker, the cunning to be a thief, the will to be a pimp, or the hate to be a hired killer. I was just a kid trying to find a way for me and my siblings."

Given the household he came from, he was hardly unfamiliar with drugs. He had sold them from the age of eight, once dealers recognized that cute little Dominique could serve as the perfect pusher. When he was nine, his mother began taking half his drug money from him, as if he were working for her. More than once, he had even sold drugs to each of his parents. He had gotten high on pot at thirteen—to find out what the experience was like—but the idea of taking drugs regularly held no allure for him. It was a business, the only one he knew.

He had begun somewhat inauspiciously by selling white candle wax, which he refashioned to resemble rocks of crack cocaine, but soon he was embedded in the brisk trade that fed the crack epidemic. "Dominique," says Marlon, looking back, "wasn't selling drugs so he could get out and buy flashy cars or anything like that. He just wanted the money so we could live."

But if there is no honor among thieves, among drug dealers there is only shame and violation. Even Dominique, motivated by love of his brothers, could not escape the coarsening effects of such employment. And with the epic disappointments of his family life and the natural aggression that the advent of puberty can work on even the mildest of boys, the face that Dominique began to show the world was one of brutality and rage, a rage that would not abate for many years. For all that, his rage was eloquent, coherent, and full of grown-up resolve: "I promised myself that I would never sell myself short for anyone ever again. I stopped caring about people because those that I did care about did not care about me."

Some, such as his brothers, however, continued to receive the considerate gentleness that he had previously distinguished Dominique in all his dealings. Another recipient of Dominique's positive attention was Jessica Tanksley, a captivatingly beautiful neighborhood girl, two years his junior, whom he would soon begin to court with extraordinary deference and ceremony. She would be duly impressed. But Dominique also impressed his juvenile probation officer, Sylvia Gonzales, who remembers him as "always well behaved" and extremely likable. "There are certain kids that you never forget," Sylvia would remark many years later. "They just get to you—to your heart."

At sixteen, Dominique's rather realistic assessment of his own strategy was that eventually his drug distribution business would land him in prison. He hoped only to remain free as long as his brothers needed him. Then, he reasoned, after he finished serving his time, they would be old enough to take care of him when he returned to rebuild his life. As his bad luck would have it, however, he was to remain free only till he was eighteen.



On October 18, 1992, Dominique Green was arrested by the Houston police. It was his fourth arrest. He had been driving a stolen red car the previous afternoon when the police gave chase along a fifty-mile stretch of Highway 288. The car ended in a ditch in Brazoria County just outside the city. Dominique, lightning quick, set off on foot through field and forest and succeeded in eluding capture till the next day, when the police sent out dogs to track him down. Arrested immediately were two others, Michael Neal and Mark Porter, both black who were found in the backseat of the car in possession of a large handgun and a BB gun. The handgun was sent off for ballistics testing.

The police, aware of a recent series of armed robberies carried out at a shopping mall and elsewhere by young black men, believed they had caught the perpetrators. In lineups, one of another of the arrested men was then identified by witnesses; and though no one identified Dominique, the three prisoners were charged with participating in robberies. Michael Neal, however, represented by counsel arranged by his mother, was able to put up a bond for his release.

The ballistics test came back, establishing that the handgun, a Tech 9, was the weapon that killed a man named Andrew Lastrapes Jr. outside a Houston convenience store in the early morning of October 14. Eventually the police, questioning the suspects separately, determined that Mark Porter could not have been part of the group that morning, but the two other youths were: Paul Lyman, black, and Patrick Haddix, white. Neal did not provide a statement at that time.

At this point, for anyone researching the history of these events, the record becomes exceedingly muddled and incomplete. How the police made the determinations they did and why the various suspects were charged and brought to trial could defeat the deductive skills of the most prescient investigator. This is only partly because seventeen years have passed since these events. It is also because the State of Texas keeps shockingly incomplete records of such matters and because many of those in authority are unwilling or unable to shed any light on the matters in which they were participants. Sandy Melamed, for instance, who was appointed Dominique's lawyer, told Sheila Murphy, a retired Chicago judge who would eventually become involved in Dominique's appeals, that he drank a couple of Scotches every night and that, well, his recall just wasn't very good. He was far more forthcoming than most.

Much of what I can report comes not from those in authority but from the accused perpetrators and from the family of the victim. Andrew Lastrapes, according to his wife Bernatte, was a "truly good man," a big black truck driver who always kept a few dollars in his pocket for beggars. But he was also a man who kept a knife on his person and knew how to use it—and he would never have surrendered his wallet without a fight. After his body was turned over to his family, Bernatte discovered that his back pants pocket where he kept his wallet had been torn and that there were puncture wounds in one of his hands, both suggestive of a struggle. The obvious scenario is that Andrew resisted the robbery with his knife and was shot in a scuffle. He lay in the parking lot for hours, alive and bleeding. It

hard to resist the speculation that he might be alive today if the police had seen fit to call an ambulance in a timely manner. But it is also hard to ignore the possibility that the shooting of Lastrapes was an unintended consequence of the scuffle. Such mitigating possibilities were never shared with the jury.

Though Melamed was appointed to defend the indigent Dominique on robbery charges, Dominique was soon charged—on January 5, 1993*—with capital murder by a Harris County grand jury, despite the fact that his prints were not found on the murder weapon. (Someone else's were, someone never identified.) But the police, after many hours of intense grilling, finally wrested a signed "confession" from Dominique by making empty threats to arrest Stephanie. Dominique, not wanting his mother arrested and his family even more wrecked than it already was, told a story of his involvement that he believed would be subsequently discredited by witnesses and fingerprints. "Bart," he claimed, had been the killer. Bart did not exist—or, to put it more precisely, no one with that legal name was found.

Texas treasures a legal wrinkle within its "law of parties" according to which any participant in a crime that results in murder may be charged with the murder, even if he or she had nothing to do with committing the murder. The statute reads in part: "All traditional distinctions between accomplices and principals are abolished by this section, and each party to an offense may be charged and convicted without alleging that he acted as a principal or accomplice." Under this statute one might expect that four young men—all seen by the police as participants in the robbery that resulted in the death of Andrew Lastrapes—would be put on trial for capital murder. But this was not the case. Only Dominique, the youngest and least protected, was so tried.

Michael Neal was protected by his lawyer; and both Neal and Paul Lyman were able to plea-bargain their way to more limited sentences. Patrick Haddix, the sole white participant, was never booked or charged with anything, merely characterized as a "citizen informant." To read in succession the sworn statements that Dominique, Lyman, Porter, and Haddix gave to police is to be struck as if by a blow. The statements of the three black boys are typed in the usual police manner: all in capital letters, all full of typos and grammatical and spelling errors. Haddix's statement is typed with extraordinary refinement in upper- and lower-case letters, and its language is startlingly literary, even elegant. The writer of this prose punctuates and paragraphs perfectly, knows how to write dialogue, even employs the semicolon correctly. The statement, which reads like fiction, is full of novelistic detail and runs to five dense pages, whereas the others' statements have the clunky, halting sound of teenage accounts and range between one and three poorly typed pages. To compare Haddix's supremely polished statement with the unfocused, inarticulate, fear-ridden, stop-and-go courtroom performance he gave subsequently is to know that this statement, recorded many hours after the statements of the others, was not written or dictated by Haddix but provided by an expert, hired to engineer an intended outcome.

At the time the ballistics report came in, both Neal and Lyman had been released and only Dominique, unable to post bail, remained in custody. The most likely scenario is that Haddix was first to point the finger at the others (while never denying that he had acted as lookout and had shared in the proceeds of the robbery) and having much better family connections, was able to wiggle free of the legal vise that ensnared the others. But only Dominique, the least

experienced, the least able to mount a defense, was left exposed to the death penalty that the police and the legal system were determined to impose on *someone*.

Complicating this picture is the nature of the only testimony against Dominique, which was supplied by the other three. According to them, Dominique and Neal got out of the car and walked toward Lastrapes, who was getting out of his truck in front of the convenience store while Lyman and Haddix pulled the car around to the back. So only Neal, not the other two, could know what happened when Lastrapes was confronted and which of the two—Dominique or Neal—shot Lastrapes. But also: since when are co-conspirators who are doing deals for a lesser sentence (and, in the case of Haddix, no sentence at all) found credible in court of law? In the entire history of law and in every country that takes law seriously, the testimony of co-conspirators who exculpate themselves while implicating another is viewed with suspicion.

The United States Supreme Court has termed such testimony “inherently unreliable.” Even Texas has an “accomplice witness rule” that requires corroboration of such testimony before it is admitted. But, as an exceedingly experienced Texas attorney confided to me, “the corroboration tends to be anything that matches the prosecutor’s theory of the case. Almost anything serves, eviscerating the purpose of the rule.”

Dominique’s trial was over almost before it began. Melamed, originally appointed by Judge George Goodwin of the 174th District Court to defend Dominique against robbery charges, now petitioned the judge in the new capital murder case—Doug Shaver of the 262nd District Court—asking that he be allowed to continue to represent the defendant. Melamed had only one previous brush with a capital murder case: he had been second-chair defense attorney in a famous Harris County case known as “the sleeping lawyer case,” which had been argued before the same Judge Shaver who was to preside over Dominique’s case.

In the earlier case, the principal defense attorney, one John Benn, then in his seventies, had been seen by those present to sleep throughout the trial, his eyes shut, his mouth repeatedly falling open, his head lolling back on his shoulders. When asked about his behavior, Benn defended himself impatiently. “It’s boring,” he whined. What makes the case famous, however, is not that the lawyer slept (which was hardly a first for Texas) but that Judge Shaver remarked dismissively to the *Los Angeles Times*, “The Constitution says everyone is entitled to the lawyer of their choice, and Mr. Benn was their choice. The Constitution doesn’t say the lawyer has to be awake.”

Shaver, who had been Melamed’s mentor, readily agreed to the lawyer’s request that he continue to represent Dominique. There was a second lawyer on Dominique’s “team,” Diana Olvera, who has never since allowed herself to be interviewed about this case. But keep her in mind; she will appear in our story once more.

The jury, composed of whites and one Asian American but of no blacks or Latinos, had no trouble convicting Dominique. Bernatte Luckett Lastrapes, who attended the trial with her father, a pillar of Houston’s black community, and her eldest son, was shocked at the cursory nature of the proceedings and the lack of substantive engagement and effective participation by the defendant’s lawyers. Bernatte began to wonder if this was really a trial at all or rather some kind of bizarrely predictable ritual with a predetermined outcome. She noted that Dominique’s mother, who attended, slept through almost the entire proceeding. Poor

Dominique, thought the murdered man's widow. He has no one.

At the least, Dominique's attorneys must be judged exceedingly bumbling and naïve. Knowing little about Stephanie, Olvera appears to have supposed that a mother would help sway the jury to sympathy. She asked Stephanie if she thought her son capable of such a crime. Yes, proclaimed Stephanie with considerable assurance, he's just like me. For her day of testimony at her eldest son's murder trial, Stephanie managed to call forth one of her most evil personae. But her testimony weighed heavily on the jury in deciding to convict Dominique of murder. After all, even his mother was against him. Later, when asked what Dominique's punishment should be, she urged the court to inflict on her son whatever punishment the law allowed. Though this second outburst was instrumental in ensuring that Dominique would be given the death penalty, the jury was told nothing of Stephanie's schizophrenia or of her repeated hospitalizations in mental institutions.

Melamed and Olvera did call another character witness, Sylvia Gonzales, Dominique's juvenile probation officer, who was sympathetic to Dominique and recognized the extremely negative role Stephanie had played in his young life. Sylvia testified briefly to Stephanie's oppressive behavior toward her son as well as to Dominique's character, "easygoing and receptive," "truthful and cooperative." But Sylvia was not prepared to testify by Dominique's lawyers, who met her but once—in the hallway just prior to her testimony—and they made little of her testimony.

Far more important was another character witness, a supposedly scientific one. For the sentencing phase of the trial, Melamed called a psychologist, Dr. Walter Quijano, to testify to Dominique's psychological disposition. Quijano, who was born in the Philippines and whose father was of Spanish (not Hispanic) ancestry, has in other cases urged the death penalty for explicitly racial reasons, believing, as he does, that the race of a defendant—if the defendant is black or Latino—is a "statistical predictor of future violence." In Dominique's case, Quijano, keeping quiet about his racial prejudices, limited himself to telling the jury that Dominique had never developed a normal conscience and could therefore be a future danger to society if he were allowed to live—this from a witness supposedly testifying on behalf of the defendant. Though Quijano had interviewed Dominique briefly, his assessment came not from anything he had learned directly in his interview. Rather, his assessment of Dominique's lack of conscience was a syllogistic deduction: those who grow up in circumstances like Dominique's—that is, without a caring parent—lack a normal conscience; therefore, Dominique lacks a normal conscience.

But in the end, race was hardly absent from these proceedings, as the most damning evidence in support of Dominique's punishment came from his own words. Before he had been charged with murder, he had written a letter from jail to Mark Porter (who had been found by police in the stolen car that Dominique had been driving) in which he suggested a narrative they could propose of their movements, a narrative that would enable them to elude conviction ("how to get our case dropped or at least dropped down"). The letter was partly written in ghetto-speak, perhaps because eighteen-year-old Dominique thought he was being cool but also perhaps for the sake of rendering it difficult for any authority intercepting the letter to make sense of it. It begins playfully: "What's up damn fool?" The rest of the letter is the "story" (whether accurate, invented, or somewhere in between, I cannot verify).

of what Dominique and his friends were doing the night of the murder, mostly looking for girls and getting into arguments with other boys. The letter ends casually with an expression of Dominique's unconcern as to whether Porter and the others will go along with this or not: "I don't care if a nigga with me or not 'I forever be a trigga happy nigga.'" To me, this looks like a pose of unconcern and bravado, masking anxiety.

The last words, a quotation from a then popular rap song, "Trigga Happy Nigga," by the Houston group, the Geto Boys, were placed in double quotation marks by Dominique—plain signal from the detail-oriented author of the letter that he is quoting *someone else's words*. Read aloud in court by the prosecutor, however, these words signed Dominique's death warrant. The members of the jury, needless to say, were not informed that what they were hearing was a literary quotation, designated as such. By his own words, Dominique had convinced the jury of the murderous danger that society would be "forever" subjected to, if he were allowed to live.

Normally in a court of law, a letter is read aloud after its recipient has testified that he received the letter and identified from whom it came. But the presence of Mark Porter on the witness stand might have pushed the case into unpredictable byways. He almost surely knew things that the prosecutor did not wish the jury to hear, things that might have bearing on Dominique's possible innocence (such as that all the codefendants knew one another, one of many facts kept from the jury). The prosecutors found a simpler course for introducing Dominique's letter: they asked his mother to identify his handwriting, which she did. On July 9, 1993, a Harris County jury found Dominique guilty of capital murder. On July 14, following the punishment hearing, the court sentenced Dominique to death.

Though the forces of law in Harris County are devoted to executing Death Row inmates with as much dispatch as possible, their eagerness is slowed somewhat by the venerable practice of appellate review, enshrined in the Texas state constitution and to which they owe at least a formal loyalty. Over the years to come, Dominique would spend as much time as he could learning the intricacies of the law and of the legal processes by which he had been convicted and sentenced. Needless to say, his interest was hardly academic or disinterested. He needed to learn "the game," as he called it, the rules of which he had barely comprehended before and during his trial. For a long time he figured that there must be a legal key that would fit his case, that could unlock his cell and send him back to freedom.

He was held during these years in Death Row cells in two different prisons, at Huntsville then from mid-1999 at Livingston (where he was held—as were all Death Row prisoners—in solitary confinement); and occasionally and for relatively short stays he was brought to the Houston jail. He had plenty of time for legal study. He met occasionally with one lawyer or another who was willing, usually for a brief period of time, to take up his case pro bono, that is, without compensation. On September 11, 1996, the Texas Court of Criminal Appeals (CCA) affirmed Dominique's conviction and sentence on his direct appeal. On November 14, it denied Dominique's petition for a rehearing. On April 28, 1997, the United States Supreme Court denied his petition for a writ of certiorari, that is, an order to call up and review the decision of the lower court. That August 29, Dominique filed an application in the state trial court for a writ of habeas corpus, which is an order to produce the prisoner in court for the

purpose of investigating the lawfulness of his imprisonment. Its purpose, as used in the appeals process, is to uncover ineffective assistance of trial attorneys, misconduct by prosecutors or police, and previously unavailable evidence of innocence. Nearly three years later—on May 31, 2000—the CCA at last denied Dominique’s application.

That these years were hard on Dominique is almost too obvious to say. He began his long imprisonment as little more than a boy, a street kid whose understanding of the world and its ways was severely limited both by his youth and his peculiar experiences. Over and over, he would say to anyone who would listen that he was innocent of the charge they convicted him of. For this reason he had rejected the offer prior to his trial of a thirty-year sentence if he would confess to the murder. But he also stated firmly that he would not become “a snitch.” The impression he left was that he knew the identity of the shooter but would not identify him. He would speak darkly of those who had turned against him to save their own skins, but even this accusation was broached without his naming identifiable actors. Again and again, he reminded his attorneys that witnesses to the robbery spree that preceded the Lastrapa murder had spoken of three boys, not four, and he pressed the attorneys to locate the relevant videotapes made by the stores the robbers had passed through or near, including the videotape from the convenience store in front of which the murder had occurred. These, he claimed repeatedly, would establish his innocence.

He did admit being part of a gang of robbers on October 17, when the victim related to the police that one of the robbers apologized for what they were doing and thanked the victim. “What kind of robber tells a victim I’m sorry and thank you? One who didn’t want to see any harm come to them. Someone like old friendly-ass me.”

Through the worst of these years, Dominique kept his sense of humor, though he often lost his temper. As year followed year without the hint of a reprieve, he snapped occasionally, sometimes more than occasionally, at friend and foe alike and certainly at his lawyers. For several years, he signed himself “Stumpa,” his street moniker and the name under which he had performed aggressive, foul-mouthed rap songs (for which he had, just prior to his arrest, been offered a recording contract). For a while he tried to be a Muslim and wrote his name as “Dominique Green-El.” But these glints of black-power rage tended to alternate with his natural optimism, his playfulness, and his capacity for enjoying the world, even the bit of freedom he could experience from his prison cell.

Through these years, he had a true friend on the outside, Jessica Tanksley, the delicate and beautiful girl he had fallen for two years before he lost his freedom—and who is listed in court documents (with her assent) as Dominique’s “common-law wife.” Their correspondence is dramatic and humane; and though only Dominique’s letters survive in quantity, we can hear Jessica’s voice, as Dominique quotes occasionally from her letters. Aint nobody ever told me things like you have. Like ‘you know where home is.’ Or tell me they love me and really mean it like you do. I aint never had anyone love me like you do.... And everytime you write me I continue to feel more needed and wanted. So when I come home to you, I want to be ready for you. And now I got all the time to prepare.”

There are letters so intimate that to quote from them here would be a violation of privacy, but a paragraph from one of the less steamy ones will give you an idea: “Have you ever had a dream where me and you are together and I am kissing you, or you are kissing me? W

slowly touch each other and hold each other. As I gently caress your skin that's so delicate and slowly move myself up to your breasts and start to nibble and kiss them and you. Then I feel you rub your fragile hands up my back and onto my face. I feel your hands softly rubbing up against my face. So I go down to embrace your lips and taste your breath and lick your tongue. But I wake up to find my own hand rubbing against my face. A pillow as the face I soon was to embrace. A sheet as the hand rubbing down my back. And a radio is the voice of you I imagined to hear."

To Jessica Dominique speaks openly of his worst fears: "I have visioned and thought about my own death over and over. And I know that when or if they take me to deathwatch to prepare me to sleep. Once my eyes close they will never open again. And I will only have three minutes to watch my life pass before my eyes. Watching all those moments I label precious, remembering all the things that brought me happiness, and also watching all my mistakes. Three minutes to recap and review my life.

"And not one time have I ever cried. I cried inside because the pain of being here is starting to kill me. But I do know that if I do have to go to deathwatch I won't show the pain there either no matter how bad it hurts.

"Baby, the shit fucks with me everytime I think about it. But I know that no matter what I won't hurt myself by becoming a snitch like these folks want me to be. Because the everything I have done or did would be a complete lie. That's why I can't say nothing and I won't ever say nothing."

But Jessica is growing up in ways almost unimaginable to Dominique. In the summer of 1994 she leaves Houston to attend Xavier University in New Orleans. Her visits to Dominique, which had never been frequent because of the maddening difficulties that the inaccessibility of prisons places in the way of poor Texans, become even fewer. Soon she is writing about her courses and her reading in ways that leave Dominique in the dust. He is jealous and even confesses dislike of her then favorite writer, the long dead W. E. B. Du Bois because she likes him too much ("—and I don't take second place for no one!").

In August 1999, however, this extraordinary correspondence comes to an end. Jessica, her bachelor's degree in hand, is heading to Havana to study medicine at the Latin American School of Medicine, having been granted a full scholarship by the Cuban Ministry of Public Health. Dominique, knowing that communication between a Death Row prisoner and a Havana resident will be almost impossible (and would subject Jessica to unwonted attention from the U.S. State Department), releases her from all obligations to him: "I wish you knew how hard this is for me, but for some small reason I think you do. Just like I think you knew I would eventually end up writing this letter." Just before this, he had written a harsh letter. But, "no matter how much I tried to make it seem like me, that last letter to you was someone I'm not. I know, and you know. I am a pussycat at heart. I ain't no hardcore muthafucka—although I wish I was. Thankfully who I am truly is a secret. A secret that can only exist between me and you. If anyone else knew, my bad boy image could end up being destroyed. Who knows I could cause a scandal and make these niggas here want to impeach me, like I was the president of some goddamn body." (Earlier that year, President Bill Clinton had been acquitted of the impeachment charges against him.)

The self-deprecating humor cannot entirely obscure the immense generosity of this act of

farewell. With Jessica gone from his life and his imprisonment entering its seventh year, Dominique, refusing to sink into despair, turns more than ever to his fellow prisoners and the legal thicket of his case.

* The abysmally sloppy press release from the Office of Attorney General lists the date as January 5, 1992—*before* the murder occurred. The legal record contains not a few such errors.



The Community of Sant’Egidio, based in Rome, is one of the very few great religious phenomena of our time. Most of us are so weary of fraudulent religious phenomena—the fake saints molesting altar boys in the sacristy, the preaching scoundrels, the rip-off charities, the feel-good evangelists who promise us both God and money—that we may have come to view all religious movements, perhaps especially *Christian* religious movements, with suspicion. When I first encountered Sant’Egidio, I kept asking myself if they could possibly be what they seemed to be. Any second now, I supposed, the clay feet would show themselves peeking out beneath the concealing gown of righteousness. But now, having known many members of the Community for many years, I can report that they are in the main the real thing—the thing they say they are. I would like to spend a few pages telling you more about them because, despite their great distance from Texas Death Row, they are closely woven into the story of Dominique’s life.

They started life as a ragtag assortment of Roman high school students who, inspired by the student protests of 1968, decided to meet in the evenings with the intention of becoming better friends and of finding ways to influence their society for the better. Soon enough, they discovered in the four gospels of the New Testament a sternly simple way forward. Jesus’s repetition of the ancient Hebrew command, first articulated in the Book of Leviticus—“Thou shalt love thy neighbor as thyself”—became their program. They would obey this command by offering friendship—friendship to one another and to anyone else who fell across their path, especially anyone in need. (The Italian word for “friendship,” *amicizia*, is built on *amico*, the word for “friendly” and “friend,” which in turn is built on *amare*, Italian for “to love.” So in Italian, as in the Latin that is Italian’s predecessor, Jesus’s command to love one’s neighbor is more obviously a command to friendship than it is in English.) This was their antic “plan,” a little absurd even to themselves. Smart, entitled middle-class kids, they were not entirely unaware of the potential ironies of simplicity, of how hollow their approach would sound to the cynical ears of fashionable Rome.

But they persevered. As they began to grow into a larger organization, they formed additional meetings throughout Rome, then throughout Italy. Often, the church halls where they tried to meet were shut to them by priests who thought their youthful spontaneity and priestless informality smelled of Protestantism. Soon enough, however, there were Sant’Egidio communities in most European countries, then in Africa, Asia, and Latin America, the United States and Canada being the only region where Sant’Egidio remains relatively unknown. Though the headquarters of Sant’Egidio, close by the great Basilica of Santa Maria in Trastevere, keeps no record of numbers, there must now—forty years after their first meetings—be close to sixty thousand members throughout the world, perhaps less than half of them in Italy. Anyone who wishes to become a member, no matter his or her religious affiliation or lack thereof, national/ethnic background, or sexual orientation, is welcome. Anyone who wishes to participate in one or another of the Community’s activities without becoming a member is also welcome.

All the communities meet for a prayer service, usually several times a week, that has scripture reading and a reflection by one of the members as its center. The chanted psalms and hymns they sing, though characteristic of them, seem inspired especially by the chants of Russian Orthodoxy, as is their use of an icon of Jesus that serves as the focus of attention. But the service, wherever it is enacted, retains a simplicity and an intensity that cannot be impressed even on the casual visitor. For many years, the original Roman community met for prayer in the Church of Sant'Egidio, a former convent of enclosed nuns that was given to them and from which the movement took its name.

Now, having outgrown its own church, the Trastevere chapter meets for prayer each night in the large Basilica of Santa Maria, which is close to an apartment my wife and I own and where we spend a part of each year. Santa Maria, extraordinarily beautiful, is a most twelfth- and thirteenth-century building whose foundations are as ancient as the fourth century, when Christians first emerged aboveground to take their places as equal citizens of Rome and began to build the distinctive edifices that would ever after characterize the great city.

To stop at a description of the Community's prayer would be to falsify these people, for it is the works of Sant'Egidio at least as much as the prayer that distinguishes them. Though the original community in the heart of Rome contains many middle-aged members (as the students of '68 have grown gray and sometimes bald), its ranks have been continually replenished by people in their teens and twenties. Other satellite communities, of which there are more than a hundred in and around Rome, are more specialized: communities of the elderly, of poor working people, of gypsies. In each community, friendship with those in need takes precedence and consumes many hours of donated labor. Each night in Trastevere, for instance, fifteen hundred homeless people are fed at sit-down dinners served with graciousness and even style. Likewise, hundreds of substantial bags of groceries are distributed each week. The Trastevere community runs three refuges for abandoned old people, two AIDS hospices, a home for abused and abandoned children, and after-school programs for immigrants and others in the poorer parts of the city. It even runs a delightful inexpensive restaurant—gli Amici (or Friends)—in Piazza di Sant'Egidio, staffed entirely by mentally handicapped adults.

Each October, the Community organizes a torchlit March of Remembrance for the Roman Jews and all other Jews who perished under the Nazis. This march winds dramatically from the portico of Santa Maria and ends at the steps of Rome's great Synagogue. Almost as dramatic is the enormous feast for the poor that the Community hosts each Christmas afternoon inside the Basilica of Santa Maria.

More than fifteen years ago, members of the Community, believing they had a gospel responsibility to act as peacemakers, undertook a series of quiet, amateur efforts on their own and succeeded in arranging a peace in Mozambique between the guerrillas and the government (after sixteen years of war and one million casualties). The peace has held ever since. Not only did the Community go on to help achieve a similar, if less certain, peace in Guatemala, it continues to attempt reconciliation in Algeria, the Balkans, Burundi, Liberia, Ivory Coast, and other hot spots, working intuitively and patiently, never abandoning hope and true to the belief that "war is the greatest poverty of all."

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