

Two Lives, Two Deaths

BY TERRY FITZPATRICK

Huntsville

Everyone knew the case of Johnny Frank Garrett was unique, and that his execution would make news. That's why a crowd gathered outside the prison at Huntsville on February 11. Demonstrators from Amnesty International stood with candles, protesting the execution of a man who was only 17 years old at the time his crime. Students from nearby Sam Houston State University stood with bullhorns and chanted "kill the freak" for television camera crews who had come from across the state. It was an ugly scene in the early morning hours of Garrett's death. But that's not what set this case apart.

What made this execution different was that Garrett's victim was a Roman Catholic nun, and her family — the Church itself — did not want Garrett to die. Even Pope John Paul II was involved in requests to commute Garrett's death sentence to life in prison. The survivors of Garrett's crime forgave him. The State of Texas did not.

The story involves the quirks of Texas law. Several states allow juries to sentence killers to life in prison without the possibility of parole. Texas does not. This left jurors and authorities with no choice. If Garrett's life were spared, there would always be the risk that a "nun killer" might be paroled to once again prowl the streets.

Garrett's crime was shocking. In the early hours of Halloween in 1981 he broke into the St. Francis convent on the outskirts of Amarillo, picked up a butter knife and went up to the second floor, where he quietly entered the room of 76-year-old Sister Tadea Benz. Garrett raped, stabbed, and strangled the elderly nun. It was an attack of such unbridled rage that the knife blade was bent. Garrett left Sister Tadea's body sprawled on the floor. He would later confess to police that Sister Tadea Benz had recited the Lord's Prayer while being raped.

"As far as an upset public, we have nothing in our history, and I doubt if any other city in this state does, to compare to the rape and murder of a 76-year-old virgin nun in a convent," said Potter County Sheriff Jimmy Don Boydston.

"It was certainly traumatic," said 47th District Attorney Danny Hill. "You can't think of any place safer than a convent. The only place that's safer is heaven itself."

Garrett grew up across the street from the St. Francis Convent. Officials at the nearby Catholic school often found Garrett sleeping under the bleachers in the football stadium. He would make obscene gestures when told to leave. "We had some problems with Johnny," said Amarillo Bishop

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Sister Tadea Benz

AMARILLO GLOBE-NEWS, HENRY BARGAS

Leroy Matthiesen. "We knew him as a person who might get into trouble."

Police also knew Garrett and regarded him as a neighborhood bully. "He would pick up small animals, particularly small dogs, and throw them down to try to break their backs," Hill said.

But what no one knew at the time was the abuse that Garrett allegedly endured inside his home. Psychiatrists who examined Garrett on death row, after his conviction, believe that the way Garrett

was reared led to his crime. "He had been hideously tortured as a child," said Dr. Dorothy Lewis, a New York University psychiatrist who examined Garrett. "In his early teens, he was forced into male prostitution and then was forced to participate in pornographic films which included being compelled to perform fellatio on a large dog and to be sodomized by that animal, Lewis said. "When you treat a child that way — torture him, burn him, repeatedly sodomize him, terrorize him — this

is how you create a psychotic individual that will lash out in a very violent, uncontrollable way."

This evidence was not presented at Garrett's trial, because under Texas law it is not pertinent to the three questions a jury must answer when deciding to impose the death penalty. Those questions are: Did the defendant know his actions might

Garrett's deranged personality as proof that he could kill again.

Garrett's death sentence seemed to satisfy most people in Amarillo, a town known for brutal murders and sensational capital murder trials. But it did not satisfy the sisters of the St. Francis convent.



Johnny Frank Garrett

AMARILLO GLOBE-NEWS, HENRY BARGAS

result in the death of his victim; is the defendant likely to commit future criminal acts that would constitute a "menace to society"; and was the defendant provoked by the person he killed?

In some death-penalty cases, defense lawyers succeed in posing a fourth question to jurors: were there mitigating circumstances, such as psychological problems with the defendant? But this did not happen in the Garrett case. His attorneys were concerned that jurors in Amarillo would view

"They took a position that they did not want him condemned to death, they did not want him to die for this, that Sister Tadea herself would have forgiven him," said Amarillo Bishop Leroy Matthiesen. "They take that position because that's the position Jesus took and that's the position Saint Francis, their founder, took." However the moral position of Catholic officials in Amarillo was never an issue as Garrett's conviction quietly crept through a decade of legal appeals. It

would surface only when the date for his execution drew near.

What did surface during Garrett's appeal hearings was the issue of his sanity. Dr. Collin Ross, of Charter Hospital in Dallas, said Garrett was suffering from Multiple Personality Disorder, in which his identity was "fractured" into four "personality states." "Multiple Personality Disorder is in itself not grounds for diminished capacity or an insanity defense," Ross said. "But it can be considered in sentencing and moral responsibility." Dr. Ross concluded that the murder of Sister Tadea could not have been a premeditated act, and that Garrett did not believe he would die at his execution.

District Attorney Hill viewed this diagnosis as little more than a desperate effort by defense attorneys to save Garrett's life. "It's all a bunch of bull," Hill said.

But the news did affect Matthiesen, the Roman Catholic Bishop of the Catholic Diocese of Amarillo. News of Garrett's troubled childhood prompted the Bishop to actively work to overturn Garrett's death sentence. Two days before Christmas, the Bishop wrote to Gov. Ann Richards, asking her to commute Garrett's sentence to life in prison. "The sisters and I see no purpose in executing Johnny," the letter said. "Threat of his execution has not served as a deterrent to murder in Amarillo. The only plausible reason is vengeance, and we reject that as unworthy of a civilized state."

Bishop Matthiesen said that he would not have written the letter if Garrett had been reared in a home with a stable supportive environment. "If he had all those opportunities then I think it would have been a cold-blooded premeditated murder," Matthiesen said. "I would still be against capital punishment, as I am against it for all, but we're pleading here that this is a very different case. The church ought to be the voice of social conscience. There is a separation of church and state, however the Supreme Court has ruled that churches do have the right to make an impact on social policy."

The Bishop's letter seemed to have about as little success in the Governor's office as Garrett's lawyers were having in court with the contention that Garrett was insane. Garrett was scheduled to die on Jan. 7. Three days before the scheduled execution date, a spokesman from the governor's office was telling reporters there was nothing Gov. Richards could do. "Her predisposition is to let the will of the courts and jury stand unless there is some new evidence or procedural problems," press secretary Bill Cryer said. "Commutations have to go to the Board of Pardons and Paroles. We don't have the power to commute on our own."

Then the governor received a letter from Agostino Cacciavillan, the Vatican ambassador to the United States: "Motivated by a profound respect for the God-given dignity and value of each human life, the Holy Father prays that the sentence will be commuted through your magnanimity and mercy." Citing this appeal, Gov. Richards granted Garrett a 30-day reprieve just two hours before he was scheduled to die. The case was referred to the Board of Pardons and Paroles for an unprecedented hearing.

District Attorney Hill was livid at the Pope's intervention. "I don't think the Pope is any

Witness to An Execution

I must confess that I *wanted* to see the execution of Johnny Frank Garrett. It took a bit of journalistic hustle to secure a place on the five-member press pool. My friends told me that I should examine my motives before I went. I didn't. I marched toward the Death House at midnight to satisfy insatiable journalistic curiosity. I just wanted to get *inside*.

The Death House is a brick bunker tucked inside The Walls prison unit in downtown Huntsville. Inside it's painted milky blue. It must be the most brightly lighted place in the entire Texas prison system. The room is small; only a few feet and silver, metal prison bars separated Garrett from his family. I stood directly behind Garrett's mother. The executioner stood in a separate room behind a pane of mirrored glass. Thin intravenous tubes run through a small opening in the wall, into both arms of the prisoner.

Garrett was strapped to a gurney, with white leather belts across his chest, belly, thighs, knees, and ankles. His hands were concealed by tape. His arms were strapped outward at right angles. From above, it must have looked like he was on a crucifix.

Garrett was in a defiant mood and was clearly agitated. He was already on the gurney when the press contingent entered a few minutes past midnight. I'd seen Garrett many times before, in courtrooms, in jails, in those undignified hallway shuffles past the packs of reporters and cameras. He had always seemed calm, a bit detached. Back then, his prison haircuts, long sideburns, and thick eyebrows made him look like a Neanderthal. But here in the Death House, Garrett was clean shaven with his hair neatly combed back. He was very thin, clothed in pressed prison blues and new, white canvas shoes. His last meal had been chocolate

ice cream. He had the look of panic: wide eyes, short breaths, tense movements of the head. Despite the psychiatrist's assessment that Garrett didn't believe a lethal injection would kill him, it seemed to me that Johnny Frank Garrett knew he was about to die.

His family was tightly huddled when I entered. His mother, two sisters, stepfather, and brother-in-law clutched the prison bars as Garrett strained to turn his head to the right to speak his final words.

"I'd like to thank my friends who tried to pull me through all this. My guru for helping me go through this. I'd like to thank my family for loving me. And the rest of the world can kiss my ass."

Garrett looked at the warden as he spoke that last part. Then he jerked his head toward the white ceiling to show he was ready. Garrett began to recite some kind of prayer or mantra to himself and the warden made a barely perceptible signal to the anonymous executioner behind the mirrored glass.

It was over in an instant: Garrett's mouth caught open in mid-speech, his eyes open — frozen with a small squint of recognition that poison was racing through his veins.

His mother kept saying "I love you son, it's okay. Go to sleep," as if it were a lullaby. Garrett's sisters were angry. "They're gonna pay," one sister said.

With that, Garrett's mother tried to console her daughters. "God forgives those who forgive his brothers," she said. "He's at peace. He paid his debt. We all have to do that."

"He's in a better place than we are," the sister replied. "There aren't any assholes to tell him what to do."

The family sang Amazing Grace in broken

tearful voices.

Texas uses three drugs in executions: sodium thiopental to relax the prisoner and induce sleep, pancuronium bromide to paralyze the muscles and prevent breathing, and potassium chloride to stop the heart. The dose is large enough to kill 10 people. The injection lasted four minutes, though life had slipped from Garrett's body just seconds after it began.

The executioner placed a roll of white adhesive tape in the small opening in the wall, beside the clear intravenous tubes, to indicate the injection was over. A prison doctor ambled in and searched perfunctorily for a pulse on Garrett's neck and arm, and then listened to Garrett's chest through a stethoscope for just an instant. He turned to the warden and compared the time on their watches. "I figure 12:18."

With that the heavy metal doors swung open with a startling thud. We filed out of the Death House behind the family. Nobody said a word. Officials looked at the floor as they walked. And Garrett lay there still. There were no gestures of respect for his corpse. Nobody covered him with a sheet, or closed his lifeless eyes. There was no dignity in this death.

We stepped outside the prison into the glare of television lights. A crowd of students from the nearby university broke out in cheers and applause, singing "na-na-na-na, hey-hey-hey, good bye." I felt ashamed as I walked with Garrett's family to the prison administration building across the street. The students weren't jeering at just the family; they were jeering at me. I felt my privileged press-pool access made me a participant in the execution as well as an observer. As a citizen of Texas, I realized that Johnny Frank Garrett had been executed in my name. —T.F.

more right or wrong than I am. I believe in the death penalty and the Pope doesn't," Hill said. "But the fact is that we do have the death penalty and the fact is that Johnny Frank Garrett is the kind of person the death penalty was made for specifically. It doesn't make any difference where you put Johnny Frank Garrett. He's still violent. He stabbed another inmate on Death Row, which is the most secure part of the prison. So what are we going to do, dig a hole and throw him in it?"

Sheriff Boydston said the case was just about the only thing people were talking about in Amarillo. He said many Catholics were telling him they did not support their Bishop, and that Garrett ought to be executed. At the Board of Pardons and Paroles hearing, even a former nun from the St. Francis convent testified that Garrett should die. "Why should mercy be shown to him? He showed no mercy to Sister Tadea," said Juanita Cruz, who left the convent to become a probation officer. "He knew what he was doing. Sister Tadea

was an innocent and holy person who did wrong to no one."

Ross told the board that society had "bilked" Garrett throughout his life, by failing to treat his psychological disorders or provide social services that would rescue him from an abusive home. "If there had been an effective diagnosis of Johnny Frank Garrett before he was 10, that would have not only saved the life of the nun but the state millions and millions of dollars," Ross said.

Outside the hearing room several women from a group called "Parents of Murdered Children" displayed a quilt with pictures of their slain children sewn to the fabric. Bishop Mathiesen saw the quilt and knew his plea for clemency was lost. "We don't really have right now a way of dealing with people like Johnny Frank Garrett," Mathiesen said. "We seem to be in a situation where it's either execution or the possibility of parole. We ought to have some other way." The Bishop told the board that he would be the first to oppose parole for Garrett in the future, but the

board voted 17-0 (with one abstention) to uphold the death sentence.

Four days later, on the night of Garrett's execution, there were no priests or nuns standing outside the prison. The crowd was mostly college students.

"We're here to bear witness that the State of Texas is one of the few places in the world that executes juveniles," said Michael Heath, a coordinator for Amnesty International in Houston. He said Iran, Iraq, Pakistan, and Barbados execute murderers who commit crimes while younger than 18 years old. "Why are we in this league with people that kill children?" he asked.

The execution attracted a much larger group of students from Sam Houston State University. After Garrett was dead and his family was leaving the prison, the students cheered. One of them, James Best, is a senior studying criminal justice. He held up a sign with a picture of a syringe. It said: If there's mercy for nun killers, let the Lord, not the courts, show it. □