

## Foreword

For the past 25 years, the death penalty has been a part of my daily work. I am very grateful that the overwhelming majority of the people I have represented have avoided the execution chamber, but my mind can rarely avoid memories of the six men who have died.

One was Nick Ingram. He and I were born in the same hospital – a maternity ward in Cambridge – but we only met on his arrival on Georgia’s Death Row. We became close friends over the twelve years that I tried to stave off his execution and as I close my eyes, I still see the images, seared into my brain like black and white negatives: Nick dying in the electric chair.

While I wish others would read about capital punishment – and be inspired to do something about ending it – reading about the condemned is not the way I generally spend my leisure time (which is precious to me!). I am not quite sure why I agreed to consider writing a brief foreword to *We, The Accused* by Ernest Raymond.

I am very glad that I did, because it is a magnificent read, and certainly enriches the canon on the subject of capital punishment, in line with the goals of the Capuchin series – reviving unjustly forgotten works. While the book has been out of print, the film world saw the potential in Raymond’s tale of murder-in-marriage: Alfred Hitchcock considered it for production (but was deterred by its ‘downbeat’ nature) and the BBC created a series starring Ian Holm in 1980. But it as a novel that this story is most powerfully told, as it is Raymond’s precise and thoughtful prose that makes the narrative so mesmerizing.

It is easy to explain a miscarriage of justice or a crime of passion – but when your chief protagonist is accused of premeditated murder, the reader’s empathy is always going to be hard won. This is the challenge that Raymond set himself, and I admire his achievement. The second half of a capital trial in America involves a similar challenge; the issue of guilt has already been decided, and

we lawyers have to present the life and circumstances of the defendant in a way that enables the jurors to reject death as the appropriate punishment.

Evoking empathy is the key – empathy rather than sympathy, as pity tends to dehumanise its subject. The challenge is to persuade the jurors to see parallels between their own experiences and the prisoner's. It is a terrible responsibility.

I came to care deeply for the chief protagonist in *We, The Accused* – a human nonentity, Paul Arthur Presset, who is accused of poisoning his wife. The book is a series of character studies – of victim, of killer, of policeman, of lawyer, of judge, of prison warder, of executioner, and of husband, wife and lover. There is little sense of any absolute of good and evil. Everyone is a shade of grey, as all human beings are wont to be.

‘I daresay some of ‘em weren’t such bad fellows after all,’ suggests one guard, speaking of the prisoners facing execution. The guard is swinging his pickaxe, digging a six-foot grave for a prisoner who still lives within the gaol, in the fullest of health, destined soon to die.

‘They’re never so bad when you know them,’ replies the other. ‘And no one can say what brought them to it. Happen there was more to it than any of us knows. Happen they didn’t have much chance.’

These words foreshadow the mantra of Sister Helen Prejean (famous as the feisty nun portrayed in the film *Dead Man Walking*) that ‘everyone is more than his worst fifteen minutes.’ She should know. We used to run into each other periodically at Louisiana’s Death Row.

Ernest Raymond makes sure that his central character Paul Presset is more than his worst moments. The author weaves a dense relationship where few will doubt that Presset was the kinder partner in his marriage to Elinor. At the same time there are moments of insight into Elinor’s character that make her murder seem even more tragic.

*We, The Accused* rings true to my experience on many levels. Another of the desperately unfortunate prisoners who died on my watch was Edward Earl Johnson, whose hope and despair leading up to his 1987 execution in the Gas Chamber was captured in the BBC documentary, *Fourteen Days In May*. The kindest people in the last days of Edward's life at Mississippi State Penitentiary were the guards, with Warden Don Cabana the most humane of all. Don was a stereotype of a Deep Southern corrections man, drawling directions to his staff. But he got to know Edward and treated him as a human being in his final days and hours, serving him that final meal of shrimp, and ensuring that his family was there to hug him towards the end.

As *We, The Accused* runs towards its denouement, it is uncertain whether clemency will save Presset: clearly he should be saved, but who will be his salvation? Meanwhile, the prison Governor, a retired army colonel, approaches his task with regimented prejudices in perfect order. But on visiting the man in his care,

he was struck with surprise, as the two warders came to attention and the prisoner nervously copied them, to see a small, sad-eyed, and apparently harmless man. A few minutes of conversation, and he was surprised to find him courteous, considerate, and uncomplaining. And with the days, this surprise became distress, a distress that could find relief only in little services to him.

This book is held to have contributed to the ultimate demise of capital punishment in Britain; more than three quarters of a century on the Americans are still executing each other. Raymond sums up what to me has always been the most potent argument against the death penalty in the simple description of a man counting down towards death:

These wasting hours, how to fill them? Take a man in perfect health, keep him with the utmost care in perfect health so that

he can really suffer, remove the future from him – cut out, that is to say, all aspiration, all hope of achievement, all necessity to earn, all desire to make the body fine and the mind strong, all pleasure in creative work – and how will he spent the hours? Drift from one unrecoverable minute to the next.

We can debate various issues about the death penalty: Does it deter other crimes? Does it save society the cost of incarcerating the prisoner for life? Can we be sure that the condemned is guilty? Can a capital trial ever truly be fair? And thus, on and on.

For me, these questions have always been beside the point. As I have come out of the witness room, the execution completed, I have always looked up at the waiting stars – it is always around midnight, for we rarely perform these dark deeds in daylight. We have just methodically put a fellow human being to death and I ask myself: Has the world become a better place?

While an earnest minister may appear in the pages of his book, Ernest Raymond does not preach at his audience. Nevertheless, it is clear that all those years ago he gave an eloquent and profound answer to my question. I only hope that one day our society – ‘We, The Accused’ – can plead ‘not guilty’ to Raymond’s ultimate charge.

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