

TEXAS EXECUTED OUR MENTALLY ILL SON

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My husband Ken and I are the Co-Directors of HOPE, a chapter of Texas CURE which deals with the issue of Capital Punishment. I am a retired third grade school teacher, and Ken is a college instructor. We have eight children (his, mine, and ours), 15 grandchildren, and one great-grandchild. We are an average family except that one of our sons was executed by the State of Texas January 21, 2000.

Larry was the kind of boy that every mother dreams of having. He was a good student, played in Little League, was on the swim team, played drums in the high school band, and would have made Eagle Scout if he hadn't become ill. By the time he was in Junior-High we knew that something was wrong. At first we suspected drugs because, like many young people of his generation, Larry had experimented with them. We tried to get help for him at Family and Children's Center, and at Kansas University Medical Center in Kansas City, Kansas, where we lived at the time. Unfortunately, at the time we did not know of the family history of mental illness, and he was not given a correct diagnosis until several years later after he was discharged from the Air Force.

Larry was first diagnosed as paranoid schizophrenic at Huguley Hospital in Fort Worth when he was 21 years old. Because our insurance no longer covered him, he was discharged. We were told to take him to John Peter Smith County Hospital where he was kept for 30 days and discharged because he was "not violent" and they "needed the bed." We were told that we should not take him home under any circumstances. When I said, "He has no job, no money, no car, and no place to stay, you can't just put him out on the street," I was told, "We do it every day. You would be surprised how many schizophrenics are on the streets. Most of them cope fairly well."

We took him to the Veteran's Hospital in Waco where they kept him for 30 days and discharged him. We were told he was not well and would get worse without treatment but they couldn't keep him any longer because he was "not violent" and they "needed the bed." If he became violent, we were told, he could get the long term treatment-that everyone agreed he needed. The VA doctors forgot to have Larry sign a release before he left, so we were unable to get medication for him at the Fort Worth Mental Health/Mental Retardation offices. Because of the Privacy Act, none of the doctors or hospitals informed us that he needed his medication every day in order to cope. No one would tell us what to do to help Larry.

The first and only violence he was accused of was killing five people. We were horrified, and we thought he would finally be committed to a mental institution, probably for life. We were wrong. He was arrested, held a year without bail, not given a sanity hearing, and in spite of his medical history, found sane and sentenced to death. In the sixteen years since Larry went to Death Row he has seen a psychiatrist only twice -- both times initiated by our family. He has never received

any medication or mental health treatment in jail or in prison. They do not use any of the newer drugs which really help the mentally ill.

The Appeals Court declared that Larry did not get a fair trial because of the sanity issue and ordered a new one. At the trial we showed his medical records and presented evidence to show that his natural father, who died of a brain tumor when Larry was two years old, had a brother, an uncle, and a grandfather who were all hospitalized with paranoid schizophrenia. A psychiatrist testified that this illness has a hereditary basis. The judge heard this evidence, but the DA objected so the jury was not allowed to hear it. Larry was again found sane, guilty, and sentenced to die.

In 1989 Larry's youngest sister was diagnosed as manic-depressive and schizo-affective. My cousin in Colorado told me that three of her six children are mentally ill (paranoid schizophrenic, manic-depressive). My mother's brother whom we were told had spent time in a TB sanitarium had really been in a mental institution. The latest medical research shows that mental illness is an organic brain disease that can be hereditary and can now usually be controlled with proper medication and supervision. Larry's attorney told us that this new evidence could not get Larry a new trial because new trials are based on legal technicalities involving the original trial. The general public does not understand mental illness nor do juries, and the legal definition for insanity is so much more narrow than the medical that it is difficult to ever get an insanity ruling. During the first trial, the prosecutor repeatedly said that Larry was not insane. However, when BBC interviewed him, he told the reporter that he knew Larry was mentally ill, but that he thought the death penalty was appropriate anyway.

Every few weeks we hear of other tragedies involving a person who is seriously mentally ill and has not received proper treatment. Several on Death Row are mentally ill. Some have been executed. How can a modern, civilized society choose to incarcerate and exterminate their mentally ill citizens rather than treat them?

We believe that if people knew the facts, they would insist that all mentally ill persons get the medical help they need. Although most never become violent, the ones who have that potential can only be stopped by preventive treatment. The threat of punishment, even death, means nothing to a psychotic person. You can execute as many of them as you wish, and it will not stop the next one. If we really want to stop these most horrendous crimes, and be safe in our homes and on our streets, prevention is the only answer.

We were told repeatedly that treatment was not available because of lack of funding for mental health. We have had this fact proven to us in trying to get help for our youngest daughter. After being hospitalized when she was 19, Carol was diagnosed as schizo-affective and manic-depressive. She

lived in HUD housing because MHMR no longer has residential programs in Texas (except for temporary crisis care) unless the person is totally incapacitated. Our daughter has been hospitalized or sent to Crisis Care or the emergency room many times in the last few years, but always within a few hours or a few days she was "stabilized" and sent back to HUD housing because she could only stay in crisis care for a few days. We were told not to bring her back

home to live because if we did she would not have access to MHMR programs such as the workshop and social and medical programs.

After diligent searching we finally found a private foster home program for Carol in East Texas. There is supervision 24 hrs a day, plus a program at "The Center" where there are trained staff, registered nurses, a psychologist, and other doctors. There is also group therapy, exercise, music, and crafts. Carol's physical and mental health have dramatically improved and she is happy and safe. The program is so simple, effective, and less expensive than the usual treatment that I wonder why the state can't provide this care in every county.

Since Larry went to Death Row we have met many families who have mentally ill, mentally retarded, or brain damaged relatives in prison. Approximately one-third of the people on Death Row are mentally impaired. There are more of them in jails and prisons in Texas than there are in mental hospitals. Yet programs to treat mental illness would be less expensive than incarceration in prison and much less expensive than execution, which costs over two million each. It is a much more cost effective and humane way to treat our handicapped citizens. Think of all the grief and tragedy we could spare all our society by using our tax dollars to help our mentally ill instead of brutalizing and destroying them. Many lives could be saved. Many families would be spared suffering and heartache, and society as a whole would benefit from a safer and more humane world. The State of Texas is almost at the bottom of the 50 states in resources for the mentally ill and yet they are at the very top in prisons and executions. There is something wrong with this picture.

The U.S. Supreme Court refused to hear Larry's case, and his date was set for August 17, 1999. Less than four hours before he was to have been executed, the Texas Court of Criminal Appeals gave a stay so that Larry could be examined by psychiatrists and psychologists to see if he was competent to be executed. After six doctors examined him the conclusion was that he was definitely mentally ill when he committed the crime, and he was still mentally ill. However, they found that at the time they questioned him he did understand that the State of Texas planned to execute him and he knew that he had committed the crime. That was all that the state required in order to find him competent for execution.

Larry's state appointed attorney made a deal with the D.A. to set his date on January 21, 2000 in return for his promise not to do any further appeals. Larry wanted this night of the full moon because someone told him it was the best day to die because there was a full moon and it was aligned with Pluto.

Despite appeals from the Pope, the European Parliament, and the European Union, George Bush refused to grant a commutation to a life sentence, and Larry was executed. We are committed to changing our laws and agencies so that this kind of tragedy does not continue to happen to other families. If telling his story can prevent others from suffering and dying in the future, then all the pain will not be in vain.