

This will be a longer excerpt from *Just Call Me Mike* by Mike Farrell, page 202 – 206, which will give you Mike Farrell's story with Joe Giarratano. More to come.

On a trip to Washington to gather support from congressional members willing to take a stand on Central America, I met in Richmond, Virginia with Marie Deans, who had worked with Joe Ingle at the Southern Coalition on Jails and Prisons. Marie was now running the Virginia Coalition on Jails and Prisons, and needed help.

A soft-spoken, deeply spiritual woman, Marie was an advocate for the men on Virginia's death row. Offering counseling, advice, a willing ear and any help she could provide, she would not rest until the condemned had fully realized everything guaranteed by law or by God. The fact that she was asking for help—unusual for her—either meant time was running out or that there was something particularly meaningful about the case. This time it was both.

She took me to meet Joe Giarratano, an inmate with whom she'd been working for years. His appeals had about run out and he could soon die. As we drove toward the border with North Carolina, near which sat Mecklenberg Correctional Center and Virginia's death row. Marie explained that Giarratano had been convicted of the murder two women—and the rape of one of them—with whom he shared a Norfolk, Virginia apartment in 1979. He had confessed, and ever, attempted suicide before his trial.

When she first met Giarratano, he was a twenty- six-year-old near-zombie from the Thorazine given as a result of the suicide attempt. After a few visits, she convinced him to get off the medication. Learning that he had waived his appeals at the suggestion of his mother, an act assuring his quick execution, she pressed him to reinstate them. Responding to her concern, he did.

Over time, Marie found Giarratano to be a sweet young man, equipped with a supple and open mind yet tortured by what he had done. He took an offered book and, a halting reader at first, soon demonstrated a keen if untapped intelligence. His eventual admission of a horrifically abusive childhood that left him a hopeless drug addict and alcoholic at the age of eleven explained his mother's support for a quick execution.

Leaving home, he had eventually found work as a waterman on the Virginia coast. The damage done by the abuse at home and the drugs and alcohol left him vulnerable to blackouts, and it was in one of these, he said, that he had raped and murdered.

Sometimes working, often not, Joe lived in an apartment in Norfolk with Toni Kline and her teenaged daughter Michelle. Without suggesting that they were prostitutes, he said men were always in and out of the apartment and drugs and alcohol were plentiful. One morning in February of 1979, he came out of a blackout to find himself in hell. Blood was everywhere, both women were dead, and he, the only one around, must have done it.

Horrified, he ran. But then, tortured by what he knew, he turned himself in, quickly putting his name to five separate confessions. After a quick trial, he was sentenced to death.

Working with the men on death row was both a calling and a way to deal with what Marie saw as a terrible social wrong. Seeing the value in those the state had dehumanized was as natural to her as breathing. Despite the contempt many felt for the inmates, Marie's simple decency and fundamental honesty won her some admirers, even a few converts. A documentary about her work inspired a German woman to provide funds for an investigation of Joe's background. If there was no history of violence, Marie might be able to get the death sentence reduced to life imprisonment.

Marie hired a retired police officer to go through Joe's past. When he called to report, she asked if they could argue that Joe was not a "future danger."

"Well, first things first," the investigator replied. "What about the fact that he's innocent?"

The five confessions had been coaxed out by the police, and his story didn't actually match the facts at the scene. Each time the police went to the prosecutor with a confession, another discrepancy had to be dealt with, another hole needed to be plugged: The murder weapon Joe described didn't square with the damage shown in the autopsy report. The stab wounds indicated a right-handed assailant; Joe was left-handed. The murder weapon was never found, though Joe said he had tossed it in the backyard. The driver's license of another man was found at the scene, along with bloody bootprints, hair, and fingerprints that did not match Giarratano. Marie arranged for experts on confabulated confessions to interview Joe and examine the evidence. Their conclusion: The confessions were false.

Joe had no memory of the crime. Awakening from a blackout and finding his friends dead, believing himself evil and worthless, he assumed he had done it. But had he? The investigator, and later Marie herself, came to believe he had not.

Joe proved to be more difficult to convince. Having made the initial leap, it took him quite awhile to come around to the possibility that someone else could have raped Michelle, killed both women, and left while he was passed out on the couch. But he agreed that the new evidence, including the discovery that the police were searching for another man when Joe turned himself in, should be tested in court.

However, things aren't that simple in Virginia. The state's "twenty-one-day rule" says no new evidence can be admitted more than three weeks after a verdict is rendered. Having gone down the road to the electric chair without questioning his own guilt for years, Joe was unable to get a court to hear this new information.

Marie worked every conceivable angle, browbeating attorney friends into doing pro bono work. But Virginia's attorney general was unmoved, rejecting every new motion on technical grounds, and Joe's time was running out.

Stirred by Marie's challenges, Joe read prodigiously and over time developed a remarkable comprehension of law and philosophy. In addition to acting as a key member of his own defense team, he helped eventually file lawsuits on behalf of fellow prisoners. One of those cases, *Giarratano vs. Murray*, became a legal landmark in the protection of death row prisoners' rights. When the largest death row escape in Virginia's history took place during that period, Joe, who could have gone with the six who left, not only stayed behind, but saved the life of a guard who had been held hostage. A subsequent lawsuit filed by the ACLU's Prison Project—ably aided by Joe—exposed miserable conditions and staff brutality, and resulted in the firing of the Mecklenberg prison's entire administration.

Marie believed Joe's only hope lay with Virginia's governor. The sole African-American governor in the U.S., Douglas Wilder was a studiously moderate Democrat not given to bucking the political tide. But enough attention to the case, she hoped, might get him to do the right thing despite the popularity of the death penalty in the state.

Mecklenberg was newer than Tennessee State Prison but the procedures were the same. After giving up our IDs, a series of locking checkpoints with electronically operated gates on either end created the claustrophobic effect of going ever deeper into the bowels of a submarine. On more than one occasion, Marie had been harassed by guards who closed the gate behind her and "forgot" to open the other, leaving her alone and vulnerable between the two.

Reaching the building that housed death row, we were ushered into a cage within a cage, literally a box with bars all around as well as above and below. Joe was brought down to meet us, shackles on his ankles, connected by a hobble-chain, and manacles on his wrists locked by a short chain to yet another around his waist. Once in the box, the guards locked us all in and reached through the bars to unlock the wrist manacles. He was still a young man, probably mid-thirties by now, maybe 5'9", hefty, with dark hair. He seemed somewhat shy and spoke with a slight hesitation, possibly a bit of a stammer, but was very appreciative of all Marie had done for him. Had he changed his mind? He said he was still a bit jumbled about it. Having believed for so long that he was guilty, it had taken some serious adjustment to look at another possibility. The new evidence definitely had him on the fence. He couldn't swear that he didn't do it because he didn't remember anything, but he agreed that a new trial was the right thing to do.

The visit went by quickly and soon the guard informed us that our time was up. Joe thanked me for coming and said that he appreciated anything I could do to help Marie. I had the sense that he wasn't as concerned about my helping Marie help him, but rather helping her in *all* of her work. The clank of locks, clang of doors, chink of chains, and shuffle of feet provided the background music as he returned to his cell and we were led out into the yard and back into the world.

Later, I found myself thinking about Joe a lot. He certainly didn't seem the typical con, but it's hard to know. He didn't plead, and I didn't get the feeling he was hustling me. But this was a big one to get drawn into. After reading the material, I decided to compose a letter to Governor Wilder and circulate it to see if I could get people whose names would mean something to sign on. Hopefully, the attention would make the governor take note of the situation.