

**Texas After Violence Project**  
**Interview with Maurice Chammah**

Date: November 10, 2020

Place: Joined via Zoom

Recorded On: Zoom Video Conference Software

Interviewer: Murphy Anne Carter

Transcriber: Casey Herz

**ABSTRACT**

Maurice Chammah is a journalist and staff writer for The Marshall Project. In this late 2020 interview, Maurice discusses his work as a journalist exploring the overlap between the COVID pandemic and incarceration. He gives an overview of several of his pieces that have developed since the beginning of the pandemic. He mentions work on advocacy in small-town Texas, tracking medical conditions in jails and prisons across the country, executions during a time of quarantine, and more. Maurice reflects on how the pandemic is highlighting and exacerbating issues in the criminal justice system. This interview was conducted virtually by Murphy Anne Carter on November 10, 2020.

**MURPHY ANNE CARTER** [00:00:00]: So, hi.

**MAURICE CHAMMAH** [00:00:06]: Hi.

**CARTER** [00:00:08]: Um, and if you want to say your name and what brings you to Sheltering Justice.

**CHAMMAH** [00:00:12]: Sure. Uh, so my name is Maurice Chammah. I am a journalist. I currently work for the Marshall Project, which is a small non profit outlet that covers the criminal justice system. Um, my way to the Sheltering Justice Project is very long in that, about 10 years ago after I graduated from college, my first job was with the Texas After Violence Project, and I knew very little about the criminal justice system, about the death penalty, but I had heard about the project from – the Texas After Violence Project – from a professor who was sort of affiliated with the director at the time, Virginia Raymond. I ended up interning and then getting a job. I worked there 2010 to ‘11 and basically conducted interviews, transcribed them, managed interns and staff who were working on these interviews and we all, of course, were archiving them through the University of Texas, what was called the Human Rights Documentation Initiative.

Uh, and through that year I became fascinated by the death penalty in particular and the criminal justice system more broadly. I interviewed numerous lawyers, prosecutors, and defense attorneys, um, family members of people who had been murdered and also executed in Texas – drove sort of throughout the state. And, uh – just at every turn, found myself sort of going home after these interviews and wanting to learn everything I could about the individual cases, but also about the legal issues at play, about the almost the sort of legal strategies that these lawyers were using, and the history that contextualized what I was hearing in the interviews, you know, when executions began – when certain Supreme Court decisions had come down – when certain decisions had been made by the Texas legislature, et cetera. So through being immersed in that, I developed a sort of, deeper knowledge of the criminal justice system and sort of how many different people are involved and connected to an execution and to a murder, right? That there's this whole range of people across the justice system who are touched in one way or another, whether personally or professionally.

Um, so, after a year of that, I moved abroad for about a year, lived in Cairo, Egypt, and throughout all that time became more and more interested in journalism as a career path. I had previously wanted to study anthropology and do work in the Middle East, but realized that I liked the idea of writing sort of for a larger audience and having my, um, research and writing sort of connect with a

larger kind of community of readers who would engage with me and be sources and – you know, feel like I was kind of contributing in a very direct way to a sort of public conversation around public policy issues and realized that journalism was sort of the path to do that – that that's where you could go and do that kind of work. Um, so I shifted to journalism. I interned at the *Texas Tribune* and because I had worked at the Texas After Violence Project, I knew so much about the criminal justice system, uh, I sort of fell into writing articles about about cases, about bills at the Texas Legislature that had to do with everything from, you know, the sort of technical questions of the justice system, like recording interrogations when someone's arrested by the police, or reforms to the way probation and parole work.

You know, a whole range of criminal justice subjects, and because I had the Texas After Violence Project sort of in the back of my head, I knew what kinds of questions to ask, and I kind of came up with better ideas for stories. A lot of my stories that year were about upcoming executions where someone was going to be executed and I could sort of tie that particular execution to some larger issue, whether it was a murder of a prison guard in Texas and the union issues that had been raised by that murder, and the execution that sort of brought those issues to life or this question of recording interrogations, I remember focusing on quite a bit.

So I started working on these sort of mini features about death penalty cases, uh, while at the *Texas Tribune*. And after that, was a freelancer for about a year, worked – actually while at the Texas After Violence Project, I had interviewed a longtime prosecutor in Bell County, Texas. His name was Arthur Eads and he had been involved in this really famous Texas death penalty case where, um, they would – what would happen was they'd bring a forensic psychologist on the stand to testify that the defendant was going to be dangerous in the future, and the psychologists in these cases would have never met the defendant and just be speculating on this idea. I mean – first of all, we now know that predicting whether someone can be dangerous is, uh, essentially impossible, even if you have met them – in this case, they hadn't even met them.

And while at TAVP, I had stumbled into interviewing this prosecutor who had developed the kinds of questions you ask of these psychologists when they're on the stand. And I knew that this was sort of fascinating from almost a historical lens. This had all taken place in the seventies, but I had remembered also very vividly that prosecutor talking about the sort of gut wrenching decision, as an elected official of whether to seek the death penalty in a case. Whether, you know, a crime that had happened in the community that everybody in town was saying was the worst they'd ever seen, sort of merited seeking the death penalty, asking the jury to deliver it.

And that idea led me to a long magazine article where I profiled a different prosecutor in a small Texas town who had, uh, made this decision three times – he was in the midst of making the decision for the third time when I interviewed him. And, through that reporting work, through interviewing him, through researching those cases, through talking to people in the town, I just saw how complex and how sort of human these what we often think of as these very sort of cold decisions can be. And, so this is another example of how my just entire journalism career was shaped by this sort of interest in the death penalty.

Uh, the year that I worked on that article was 2014 and later that year, uh, I heard about the founding of the Marshall Project, this nonprofit journalism outlet that was brand new. When I first heard about it, it had not been launched – there was just a email address on a website, like a landing page website that said like, Are you interested? Email info at themarshallproject.org. And I emailed it, heard back very quickly from one of the first staff writers there and, uh, began just sort of emailing back and forth and then doing I think it was Skype interviews with the editors there. Ended up getting hired by them in the fall of 2014 and I've been there ever since.

Um, at the Marshall Project, I've continued to report on the death penalty and I've also developed and have now I'm on the cusp of publishing a book about the history of the death penalty that focuses on Texas. But I've also, while there, expanded into a range of other aspects of the criminal justice system, beyond the death penalty – the functioning of jails, wrongful convictions – the reasons why those happen – forensic sciences. Um, I spent a week in Germany, reporting on the way German prisons work for a feature about how sort of American prison agencies could learn from the way they do things in Europe. So really try to think in much broader ways about the justice system, the kind of questions that the system raises. The range of different kinds of policies across the country because every, um, state is different and in fact, every county is sometimes different in the way that it handles essentially crime and punishment and rehabilitation.

So, uh, this is all a very long way of saying that I sort of had this long winding path that took me to where I am now and to when the coronavirus hit. I was doing this journalism work and I was – I had been at the Marshall Project for six years and four of those years, I lived in New York and the other two I lived in Austin, Texas, where I am now, which is where I'm from originally. Uh, so when the coronavirus hit, I was already working from home and was just basically thinking about long investigative stories that I could do related to the justice system and areas of the justice system that I felt had been kind of undercovered. When the coronavirus hit, it really kind of scrambled a picture for all of us.

So journalists, you know, there's sort of short, medium and long term stories that you work on. Some journalists only do breaking news. Some journalists only do year long investigative or magazine narrative projects that, you know, take a year and you publish once a year. And there's the whole range in between those two things – (coughs) excuse me. And at The Marshall Project, we generally tend towards the latter. We focus on big investigative projects that we hope will have impact in the world that can take months and months to do. When the coronavirus hit I was working on a story about a jail in Missouri, and I was, um, interviewing dozens and dozens of people who had spent time in this jail that had become a really sort of – we described it in the article as a kind of house of horrors where deaths and medical neglect and violence were just endemic to this very small jail of less than 200 people in rural Missouri.

Um, so that was the kind of story I was doing and I continue to do stories like that, but when the coronavirus hit, the news cycle just sped up, right? So, we were learning so much every day about what this virus would mean for the world, how long it was going to last, how dangerous it was, how it was transmitted from one person to another, and these were all moving targets. You probably remember, you know, there was – at first we thought that if you, you know, washed your groceries with bleach, that it would protect you from the virus. And now we understand that it's much more of an aerosolized, airborne, um, virus. And, all of that has had a kind of cataclysmic effect in the justice system as we're all finding out as it sort of ran rampant through jails and prisons, which even in the best of times, have overcrowding and are places where people always talk about not being able to get enough space apart from one another.

So all the problems that we already knew existed in the justice system were – a lot of them were exacerbated by the coronavirus, but also the virus – our understanding of the virus was changing so fast that we were, I felt like we were constantly racing day in and day out to say, Okay, now we know this thing about the virus, and what are the implications for the prison system? Okay, now that we know what the implications could be, let's try to find people who are actually experiencing this inside and get them to talk about it and tell us so that we can assess what the trends are. You know, there's sort of moving target and where I felt like before the coronavirus, the justice system changes would happen, but they would be much slower – but here, all of a sudden, there were jails and prisons that were letting out, you know, dozens, if not hundreds of people, and the entire way they were handling something like probation violations was suddenly different in a lot of counties, and there were no central repositories of data to really lean on to find these things out in real time, so we were just sort of scrambling to make sense of it.

**CARTER** [00:13:07]: That's a wonderful, um, kind of summation of the difference in perspective that I don't think that I necessarily could perceive as somebody who's not a journalist. Um, so even just thinking about the kinds of articles that The Marshall Project has been producing during this time and what an important source of information it is for some of that data because it was one of the few publications that can provide glimpses into how many people have been infected on the inside and that critical information.

Um, so there's so many ways that I could potentially take this and I'm trying to figure out which one. So I'm curious, maybe starting off at a more micro level for the kinds of stories that you found yourself falling into. I know you're describing the Missouri, uh, smaller jail article, which I actually read. I'm curious about what other work you feel either personally drawn to or that you've been investigating during this time, and whether it is directly related to the coronavirus or not, how the shape of those stories is kind of unfolding, and what you're learning and discovering as a journalist right now?

**CHAMMAH** [00:14:20]: Sure. Um, so I'll talk for a second about the Missouri story, which was my sort of transitional piece from pre-COVID to the COVID era. Uh, so that, as I mentioned, was this story about a tiny jail in Missouri where the amount of violence and medical neglect and deaths were way disproportionate to the size of this jail. And the story was in part, it was about, primarily about that, but it also was a profile of this local attorney in Farmington, Missouri. This, you know, town of I think about 18,000 people who had sort of single handedly become the sort of town's conscience in a way.

She was suing the jail to get – basically bringing a wrongful death suit against the jail on behalf of the family of a young man who died there, but she also was becoming the repository for anyone who had a story about, uh, corruption or malfeasance, not just from the sheriff's department, but also from the local district attorney's office and from the county commission – just the whole sort of system of county government, which largely is formed of the justice system. She became the person people call and everyone knew that she was the one. And by becoming that, she also was harassed by the sheriff's department and the DA's office. And, uh, really sort of in the cauldron of this work became a kind of crusader and a model for how people can think about activism.

So, uh, I spent a week in Missouri in March, right as it was becoming clear that the coronavirus had arrived in America, but it was not clear just how much it would spread. And so, you know, Missouri had very, very few, if any cases. So I was there, and the day after I got home to Texas, she texted me – this lawyer – to say that she was coughing and showing signs of the coronavirus. She

herself in the end tested negative and didn't have it. But it made very apparent for me that all of our reporting was suddenly going to be transformed by this virus. And so – and it made me also realize how much of the best journalism necessitates being there and in-person. And we are a national publication – I write about places throughout the country – and often I do a lot of my research by phone in normal times. I mean, I – for this article on this Missouri jail – probably talked to 50 people who had been in that jail and probably talked to 10 of them in person and the other 40 by phone. So one can talk by phone and develop a level of intimacy necessary to do good reporting.

But, basically for every story, I like to try to spend a few days, if not a week, in the place where I'm reporting on, sometimes even make multiple trips – I would have made a second trip to Missouri, I'm sure. So that story I felt was really important to still push to put out. And I thought about – so as a journalist, you're also thinking about what we call, like, news pegs. Like, what is the thing that's going to make readers want to pick up the story, even if it has nothing to do with what's breaking news today, even if it has nothing to do with what Trump said yesterday, or the latest thing that Dr. Fauci said about the coronavirus, like, why would people read 4,000 words about a jail in Missouri?

As I had been reporting on it, I had developed this sort of framework for thinking about that jail, which was that, basically we all have a jail in our backyard. Every county virtually in America has a jail and not all of them are as, uh, violent and problematic as this one jail in Missouri. But, the bigger problem is that you wouldn't even know if the jail in your town was that bad because the gaps in what we know are so vast and these institutions are sort of black boxes in everyone's backyard where really bad things can happen, or frankly really good things can happen and we just don't know because the information gap is so big.

Um, I ended up writing in that article that sort of we now are coming to understand that the coronavirus can spread in a jail and spread out to the community around it, but that even in normal times it exports other things. It exports trauma. It exports violence. Uh, one man who was in this jail in Missouri – so he had been a young man, had gotten in trouble with the law in the town, had gone to the jail for a number of months, and described to me that in the jail, he had basically learned how to fight and learned how to show himself as tough and join a gang. And so then when he gets into the state prison system, uh, apparently he finds out that his hometown jail is actually famous for producing a certain kind of very tough fighting, generally white young man, and that he had a certain cachet in prison and then he ended up joining a prison gang. And he said to me, If not for that jail, I would not be the esteemed member of prison society that I am today.



And he – I use that quote in the article because he evoked some pride with it while also, uh, trying to show like that he's not really proud of that, that it's not a good thing. And he said basically, this county jail is just producing violence. It's producing traumatized young people who take that violence and take that trauma into the state prison system, make the state prison system a less rehabilitative place. And then they get out and they bring it back into the community, whether because the jail failed to help them with their addiction to methamphetamine or their addiction to heroin. They come out worse than they went in. And, I saw that idea of, uh, exporting these problems as one that would make people see that the coronavirus – it may sound a little heady, but that the coronavirus sort of sheds new light on something that we sort of are trying to understand about the justice system, even in sort of quote unquote 'normal times', right?

Um, so that working on that article had also really clued me into the role of local advocates, local activists. This attorney was such a sort of compelling, um – you know, I mean, we sometimes in journalism talk about the main character of an article while also knowing this is a real person, it's not literature, but there was something like very compelling about her as a character that she sort of came alive off the page. And, it made me think, well, surely there are other people in this country who are fulfilling a similar role and who are maybe through the coronavirus, you know, whether they have a family member inside or some other way are becoming advocates in the way that this woman has. So I had my sort of antennae up in terms of trying to find people like this.

Around the time that I was finishing up work on that article, I was talking a lot to an organization called the Texas Jail Project, who have just been generally really helpful sources for my work for years and years, and was asking them just about what they were hearing about the coronavirus in jails. We were – this was in March, April, we were starting to hear that cases of the coronavirus were popping up in Texas jails. I should say that Texas, unlike many states, has a state agency, the Texas Commission on Jail Standards, that was actually publishing daily counts of people who had tested positive for the coronavirus and also people who had died from the coronavirus in jails, and that this was not – I think at the time it was unique to Texas. Uh, many states were starting to publish similar statistics for their prison systems, you know, where sentenced prisoners were. The Marshall Project was involved in collecting this data. All of us at the time had a few states we were assigned to to just start every week gathering the data from these different states so that we could have a nationwide picture of coronavirus positive tests and deaths. And, uh, I should say both among people in these prisons and also the staff – the people who work in the prisons.

So, you know, there was this – in journalism and at The Marshall Project in particular – there was a growing reporting effort to try to map out the coronavirus behind bars, and we were finding way more success in prisons, way less success in jails. Texas was unique – coming back to what I was saying before – in having these daily counts of who was getting the coronavirus, or how many people. I mean, there's a whole conversation about how accurate that data is, there's not a whole lot of, you know, like a sheriff could probably get away with hiding an outbreak, but, it was at least a snapshot. And I was talking to the Texas Jail Project and they started saying, Well, we're hearing a lot about Smith County, Texas. Smith County is a small city in the eastern part of the state. The county seat is a city called Tyler, Texas. It's really – I think for Austinites – famous for its conservatism, I would say. I mean, all of these Texases, but Tyler in particular. And the Texas Jail Project connected me to a local advocate there named Delilah Reynoso.

Uh, and Delilah – I got on the phone with her and she started telling me about how she was hearing that people in the jail were starting to get COVID, but even more that people who worked at the jail weren't using the proper protective gear – proper PPE. Um, she was hearing that they weren't doing temperature checks. She was just sort of hearing things. And I immediately started thinking of my attorney source in Missouri and the role that she had in that community. And I thought about it as, you know, there's a story to be told about this jail and what's going on inside it, but maybe Delilah is sort of like the attorney in Missouri, the kind of focal point for this community.

And, even more interesting, she had no family members inside the jail. She had no personal connection to it in that sense and she's not a lawyer. So it's not like, a family who wants to sue the jail came to her and said, Here are the problems. And she was just really a, sort of interested outsider. And, I wanted to understand how she had come to be interested in the jail. She was describing what struck me as very evocative scenes in which she would park her car sort of outside the jail and take out her phone and train her camera on the jail entrance and track whether the people going in and out were wearing face masks. And, she had heard that there was a detainee who had the coronavirus but also was taken off the grounds of the jail regularly for – I'm going to forget the description – um, what's it called when you have kidney issues and the blood needs to be cleaned?

**CARTER** [00:25:50]: Dialysis?

**CHAMMAH** [00:25:51]: Dialysis, there we go. I believe, I hope I'm getting these facts right given that I'm a journalist, but it's been a few months – a blurry few months. There was a detainee who was having to leave the jail for dialysis and then come back. And it was known that she had the

coronavirus, and so there was this question of like, are the people who are transporting her taking the proper precautions? And Delilah was like, very immersed in this very, what struck me as, like, a very kind of technical public health question of whether the jail was handling this adequately.

So, as a – at The Marshall Project – unlike a lot of outlets – so a lot of journalism outlets, uh, because the word 'news' suggests that you cover things that are absolutely new, they focus on breaking news, on things that have just happened in the last few days. At The Marshall Project, we take a slightly longer step back, and like I was saying before, we can spend a year on an article or really develop these things very slowly. The coronavirus, of course, sort of sped up time in a way, where the world was changing much more quickly and the picture of what was happening was changing much more quickly.

So, somewhere in between these two poles, I just had a sense that a story would emerge from Delilah and the Smith County Jail, and I just basically started talking to her every day. She would call me when she saw something happen at the jail. One time she called me and said she had had a conversation with the sheriff. And then in the meantime, I also drew her out on what had brought her to activism. Uh, she was – so her parents had come from Mexico and she had become based on that sort of personal experience, an immigration rights activist. She was working for a couple of nonprofits that helped people who were here, who were undocumented, deal with the criminal justice system and with immigration authorities. And, this kind of work had, of course, especially sped up under the Trump era, and she had really fallen into this as essentially a full time job.

She had realized that one of the sort of arms of the Trump immigration agenda in her town was the sheriff's department – that the sheriff was cooperating with the federal immigration enforcement through what was called the 287G program. And, she also – but she also found that there were ways she could pressure the sheriff. She maybe couldn't convince him to completely draw out of the 287G program, but she could get him to like, for example, assign certain forms that would allow undocumented people who had been victims of crime to get special visas to stay in the country for one of several examples.

So, uh, she told me this pretty wild story in which when the sheriff – that the sheriff had basically spent months putting her off and not meeting with her. And then she just found out that he ate at a Whataburger restaurant every week in Tyler. And she showed up at the time he was there and just like waited him out. And, he told the story of coming back from the drink machine with his, you know, coke or coffee or whatever. And she makes eye contact and, and he's like, Okay, I can't avoid

this anymore. And she spins what, you know, begins as like a five minute little hounding conversation into this 45 minute thing where she really draws him out.

By the end, she's gotten him to invite her to tour the jail. She has a cell number, they text with each other. And it's just, I loved this because also it was – you usually think about activists and the public officials that they hold to account having such an antagonistic relationship and these two at times have, but there was something so unique and different about this Whataburger meeting and the idea that they were texting with each other. And I was like, I wonder if this is actually just as common as the antagonistic fight relationships and we just don't know because people aren't sort of trying to advertise that they're actually talking to the other side quietly, right? So –

**CARTER** [00:29:59]: Go Delilah, go.

**CHAMMAH** [00:30:01]: What's that?

**CARTER** [00:30:02]: Go Delilah, go.

**CHAMMAH** [00:30:03]: Well, right, and I just, I was so drawn in by this activism and by the idea that, she would inspire readers, but also she didn't – it's not like the woman in Missouri who had a law degree and the ability to sue. Like, we are all Delilah in the sense that theoretically with enough determination, we can pick an issue and learn a lot and start holding public officials accountable. Like it's not, um – she's inspiring and also these things are doable, right? Those two things are true at the same time.

So I was talking to her every day. I was hearing these stories. I was begging the sheriff to give me an interview, but I was also trying to learn about the coronavirus because it was spreading in the jail. I interviewed some of the local reporters and learned that part of the story was almost a media story and that Delilah was their source for reporting on COVID in the jail. She was saying, Oh, I talked to this woman whose husband's in the jail and says that they're not providing masks to the detainees. And I talked to this other, you know, nurse in the jail who says they're not doing the temperature checks. I mean, you know, sort of whole range of problems. I could then bring those problems to my interview with the sheriff and ask him what's going on, why not, and sort of get his answers.

It was kind of a – not a happy story, but it was a story about – it was a story that felt like it had a lot of hope in it. And, I worked on it for a while. And then, as I was starting to think about sort of

shaping it into the final form that we would publish, I found out that someone had died in the jail from the coronavirus. I think I got a call from the Texas Jail Project one day, and then I also got a sort of very harried call from Delilah. Over time, Delilah came to get to know the family of the man who died in the jail, and started to learn about all the failures, the fact that he had been showing symptoms and was very clearly sick and the jailors had not done enough for him. And this really pointed to some systemic failures and it really raised the stakes on the reporting on the story and the whole picture quite a bit that someone had died from this virus because of these failures that she was trying to hold the sheriff accountable for.

Um, so I really kind of tried to grill the sheriff about that. He wouldn't answer a lot of questions about it because it was still being investigated, but I felt in the end that that article attempted to be three dimensional in a way, you know, where it had these sort of notes of hope, but also these notes of, um, of real outrage and shock, and sadness about the problems that are very clearly in the system and that the coronavirus has been exacerbating.

Um, I always – I guess I think back to the Texas After Violence Project in that it shaped my – so I said before that I had interviewed prosecutors who sought the death penalty who are often seen as like on the other side of the issue from the sort of liberal activists who might be sort of the first ones I reach on a subject. But I learned at the TAVP to think about things three dimensionally and know that even if I personally or the people that I sort of knew in my life – family members, friends – really didn't agree with ex-public official or the victim, family member of a murder victim who really wants the death penalty – even if nobody I personally knew would agree with their perspective that, like, it was even more incumbent on me to get that perspective as a reporter who wants to present a sort of three dimensional image of the world to readers. And that whole kind of way of thinking about things began at TAVP and then has shaped the way I think about journalism.

Um, so that's a sort of example of the work that I have done on coronavirus. I should also say that with both that Missouri story and with Delilah, there's very much an emphasis on finding out about a general situation, a problem in the world – whether it's that this one jail is failing to deal with COVID or something else, and finding individual human – people who the reader can kind of identify with, maybe root for, follow into these worlds, because without that, it can often feel like you're talking in very abstract terms, especially when the coronavirus is so much a story about numbers.

I mean, you know, we're all checking maybe news sources to hear how many new cases are in Travis County, Texas, or how many new cases are in America, how many deaths. It's all numbers,

and a lot of epidemiology is about numbers, and stopping the coronavirus is about analyzing numbers, but beneath the surface of that are these sort of human stories, and you have to kind of look – it may sound kind of cliché to say this, but sort of look beyond the numbers to this human stories that can draw people in and sort of make people care about these issues at a more granular level because ultimately what they read about are people who could be just like them.

**CARTER** [00:35:24]: Absolutely. And I'm actually, I'm thinking a lot about something, that's been brought up multiple times by many activists, some of whom have been a part of the rally for TDCJ conditions, which is a group that kind of has formed, um, because of the coronavirus and trying to get Governor Abbott in Texas's attention. But their – most of their rallies have posters with people, um, holding up signs that say my father is more than just a number. My mother is more than just a number. But in those instances, referring to the inmate number.

Um, and so it's really – it's interesting to, to follow this through line that you're describing, of COVID laying bare all of these inequities and all of this disproportionate, directly affecting, um, healthcare incongruities and things like this that have pre-existed it, right? But it's also interesting to kind of hear how this language that we're trying to assess this mass scale of the pandemic is also the scale with which we've been trying to make sense of mass incarceration as well. So it's kind of an interesting moment to hear you – to hear that be echoed.

**CHAMMAH** [00:36:37]: Yeah, yeah, there's a synergy in it, and I also should say, part of the issue with numbers that's always worth talking about, and comes up a lot when we think about prisons is just how much we don't know, so, uh – I'm just gonna actually pause and turn on another light. I feel like I must be really dark. Is there enough light on me or should I turn one on?

**CARTER** [00:37:00]: Yeah, you should – you can turn on the light. Yeah, the sun just kind of set all of a sudden.

**CHAMMAH** [00:37:09]: How's that? Is this better?

**CARTER** [00:37:11]: Yeah, that looks great.

**CHAMMAH** [00:37:12]: Okay, great. Um, the sun is setting so early here now. Um – so, a major issue with the coronavirus and the justice system that I think I mentioned before in passing but is worth harping on a little bit is how often we don't know things. So Texas tells you how many people have contracted the coronavirus in jails and also in prisons. And at this point, most states

are, uh, reporting to the public, the just the raw numbers of positive coronavirus cases and deaths in the prison systems, but there are still gaps.

An example that comes to mind from some reporting we did back in May, um, was that we had asked all 50 – my colleagues had done, were all, you know, sort of working on this large data project about coronavirus, and had asked all of the prison systems for demographic breakdowns of these cases and these deaths. So how many of these prisoners who contracted coronavirus or died – or even were tested for it are Black, uh, Latino, Latinx, um, White, uh, Asian – you know, so the whole range of demographics – also men and women. We found out pretty quickly that none of these prison agencies, or very, very few of these prison agencies, were actually tracking this. Um, we got some numbers, uh, from Vermont, from Michigan, from Missouri, sort of very scattered. But we had no access to these numbers for some of the biggest prison systems that had really big outbreaks of the virus, like Texas, California, New York.

And, uh, we – it ended up being a story about how much we don't know, and we went to epidemiologists and tried to ask them, like, what could we even do with these numbers? What would these numbers mean? And they sort of described how we understand that there's confluences of, um, pre-existing conditions among incarcerated populations and also among minorities, and sometimes, um, you know, the disproportionate impact of the justice system, the disproportionate incarceration of Black people in this country, uh, sort of is in a venn diagram kind of overlapping with these public health inequities. And if we had these numbers, we'd be able to sort of tease that apart a little bit and try to understand, like, why is it that, for example, in the few states where we do have data, you know, a disproportionate number of Black people are in prison, a disproportionate number of prisoners are getting the coronavirus compared to the free world, and then even within prison there are racial disparities, right?

You know, we're only, I think even now at the base level of understanding some of these like knotty overlaps and convergences in public health and justice involvement, and it'll be a long time before we can really understand them. And partially that's because the gaps in data are so broad. So everything I said before about the focus on human stories is still important, but I should also say that numbers are also important and the power of really good journalism, I think, ends up being when you can marry those two to one another and talk about both, um, with substance at the same time. It's through those numbers that you can contextualize individual people's stories, right?

**CARTER** [00:40:50]: Yeah. I think interweaving those two is what The Marshall Project does really well as well just to say that really quickly –

**CHAMMAH** [00:40:56]: Thank you – I appreciate that.

**CARTER** [00:40:58]: Yeah, yeah. I'm curious too, I don't know how much you have – obviously, you're looking at the Texas Jail Project, looking at these numbers that are being shared by the Texas Commission and Jail Standards – did I get that right?

**CHAMMAH** [00:41:11]: Mm-hm.

**CARTER** [00:41:11]: Um, but I'm curious too, if you have tried to contact or spoken to anybody who's officially with TDCJ? Obviously the sheriff, but I don't know what your experience is like in terms of the transparency experiences, even just trying to get, um, trying to make sense of some of, uh, what's happening right now inside of these black boxes, as you say, um, and what that is like?

**CHAMMAH** [00:41:34]: Hmm – that's a great question. I have spent, uh, decidedly less time reporting on the Texas prison system, just, I would say, candidly, because I have a colleague, Keri Blakinger, who is sort of the master of that world, and, uh, has an incredible base of sources among incarcerated people, and is hounding TDCJ through public records requests and attempts to interview people constantly. So I can't really speak to what that's been like, uh, during the coronavirus period.

Previously, I reported a lot on the air conditioning issue, which, you know this obviously, but – you know, Texas has had hotter and hotter summers basically over the course of the last few decades and there's no air conditioning in the prison system and in particular years that has led to large numbers of deaths of incarcerated people in Texas. There was one summer in particular, I believe it was 2011 or something like 10 men died in Texas prisons from heat related causes. There are of course other deaths where the role of heat is a little bit uh, more complex, but is part of the picture. And, um, I did a long story and also a kind of short documentary with some filmmakers about that, those deaths a few years ago, and we had a very difficult time getting really any information from the Texas Department of Criminal Justice.

They were being sued over the issue at the time, so they could just say that, you know, we don't comment on pending litigation, but, you know, we would ask them to take us into the units where they had air conditioning just to see what that was like, and they wouldn't do it, much less take us into, you know, allow us to tour a unit without it to feel what that heat was like. Um, so it was a really an uphill battle, uh, to try to do that reporting, and that was for the coronavirus. So, the Texas



Department of Criminal Justice can be a very difficult agency to report on, and so my colleagues who do it are – just they work very, very hard to do it.

Uh, the same I think is true of the Federal Bureau of Prisons, which can be very hard to report on. I came front and center, uh, with how hard it is to report in the Federal Bureau of Prisons when we did a piece about, uh, federal executions this summer, um, that I can talk about a little later. Um, but generally speaking, there's a range of how easy it is to report on prisons in terms of access to public records, the willingness of these officials to really help you get those records, the willingness of officials to do interviews. There's a huge range across the country – I would say Texas is one of the harder ones, but it varies quite a bit.

**CARTER** [00:44:29]: Um, and on – I'm happy to kind of do a quick segue to your work with the death penalty as well. And so I don't know if you want to provide a kind of foundation to explain some of your – what you've been discovering with regard to doing the research and writing this book that is about to come out into the world, which is really exciting – um, but also the fact that we are having executions during a pandemic and kind of what – has that surprised you? Does that not surprise you? And what you kind of think that means in a moment, um – in this unique moment in time?

**CHAMMAH** [00:45:10]: Sure. Um, so just by way of background, uh, after I started researching the death penalty at the Texas After Violence Project in 2010, it still continued to be the sort of focal point of all of my journalism work, uh, throughout the last 10 years. And about four years ago, I started working on this book, uh, that's called *Let the Lord Sort Them*, and it's – and then the subtitle is "The Rise and Fall of the Death Penalty." And it focuses on Texas and the idea of the book was to, um, give a broad overview of why the death penalty had become such a phenomenon in American public life and in Texas in particular and why it has stopped.

So in the 1970s, the Supreme Court ruled to abolish the death penalty – this was in 1972. And then four years later, they reversed course and they, uh, allowed it to come back. And part of why they had allowed it to come back was that all the states, including Texas, that wanted to keep the death penalty had written new laws that they hoped would give some more, um, logic to who got the death penalty and who didn't. By all accounts, that effort has failed to really restrict the death penalty to sort of any logical subset of people who commit murder, but that was the goal.

Throughout the eighties and nineties as the country sort of turned towards what we sort of now call the era of mass incarceration and towards, uh, kind of tough on crime political messaging, Texas

became almost like the symbolic home for this vision of the justice system. Both George W. Bush and Rick Perry were Texas governors who ran for president and part of their pitch to voters across the United States was, "I oversaw the largest, uh, death penalty system in the country. And, I take crime very seriously and we don't shy away from punishing people as harshly as possible. So, I'm not a shrinking violet, I'm – I should be president." In George Bush's case, that was part of a message that was successful in getting him elected, not so much in Rick Perry's case.

But, I had known that there was this whole sort of rise and fall arc in terms of the numbers and the – going back to what I was saying before about human stories, I wanted to bring that story to life with individual accounts of people who had encountered the system in a direct way. And so over the course of a couple of years, I kind of picked individuals whose, uh, lives in some way I thought would help me lay out the history clearly for a reader and be someone that readers could identify with and understand the system sort of through their eyes.

One of them is a defense lawyer named Danalynn Recer who had been a graduate student at the University of Texas in the early nineties studying lynching and saw a lot of connections between the lynchings of the early 19th century – or sorry early 20th century – and the contemporary death penalty brought those ideas into her work as a defense lawyer defending people on death row and then eventually defending people who were going to trial facing the potential to go to death row and in many cases she was successful in defending them. Her whole story of, um, how she did that is one part of the book.

And then another part of the book is a woman named Elsa Alcala who was a prosecutor in Houston in the 1990s and sent several men to death row and then – and was very much by all kinds of supporter of the death penalty – and then became a judge where her views on the death penalty sort of turned and she came to be very critical of the way that it was handed out.

So, um, through the book, you encounter both of their careers, and then at various points, it sort of pivots off and you meet the family members of a murder victim who worked very closely with that prosecutor, or the death, the man on death row who she sent to death row, or the other man on death row who this defense lawyer worked with as a client, right? You meet all of these different people who have some connection to the death penalty sort of through the twin, uh, kind of spines of these two lawyers careers.

And, uh, so I worked on that book for several years, finished it this year, and it's coming out in January. And there was – the book is about the rise and fall of the death penalty in the sense that I

still very much stick by the idea that although there are still executions and there are still people sentenced to death, the numbers are just so much lower than they've ever been. And the reasons why the numbers are so low are – I mean, I could spend so much time talking about them – but to me they seem to be at least for now trends that will hold. Like they're not subject to sort of random whims of politics, like, they really – the work that defense lawyers have done to defend people facing the death penalty, uh, have really transformed the justice system such that it is very hard for a prosecutor to get a death sentence now – or at least it's much harder than it used to be. And it's also much harder for a state to execute someone than it used to be.

So I had written the book under the impression that it would continue to sort of ebb and get down to this level where it still existed, but was very rare. Um, that is still generally true, but this year, the Trump administration – the Department of Justice under President Trump – announced that they would start carrying out federal executions again. This was – even had there not been the coronavirus pandemic, this would have been a big deal. There had not been a federal execution since 2003. There had only been three in the last, uh, I want to say 40 to 50 years, right? Like, I'll say definitely 40 years, maybe 50. Trump now has overseen more executions than any president since Eisenhower in the 1950s. So, it was a dramatic reversal of decades of federal government policy when it came to the death penalty.

So, since the early nineties, the federal government had had a death penalty on the books, uh, actually under some bills that had been worked on by then Senator Joe Biden. But, the – over the course of the decades, men and sometimes women would get sent to federal death row, but there was very little sort of bureaucratic appetite for actually going through with the process of carrying out executions. That changed a little bit under, um, George W. Bush's first term, uh, in which very famously Timothy McVeigh was executed. But, after three executions, another 17 years went by and there were none and there was no reason to think they'd happen – Obama had no real interest in pushing this.

It was just like a lot – there's a lot of states, not Texas, but, you know, California, Pennsylvania, where there is the death penalty in theory and in name, but not in practice – people are sent to death row, but they never actually carry out any executions. Um, there's a lot of reasons for that, but that was what the federal government was basically doing and Trump changed that. To this day, I can only speculate and don't – and obviously don't want to speculate – but don't really know how much of that is Trump himself.

So, although Trump has famously supported the death penalty for much of his career, even his pre-political career – I mean, he famously called for the death penalty for the Central Park Five defendants in New York. You know, years ago, those men turned out to be innocent and he never backtracked on his views that they should be executed anyway. Uh, so we all know that he kind of had a taste for the death penalty and that that fit in very seamlessly with his sort of tough on crime, uh, view of the world. But that said, his administration's carried out more executions than any president, like I said, since Eisenhower, and he has basically not mentioned it.

Uh, it has not been a product – I mean, his, his sort of free association speeches before large crowds, I would have maybe thought that he'd bring it up, he doesn't bring it up, so I don't have a – I would love to know in the next few years if, you know, somebody from the Department of Justice will speak out as a source – how this happened, because I don't understand it, given that it doesn't seem to be a priority, at least judging by his public statements. So, one wonders if maybe Attorney General William Barr is especially interested in the death penalty, or if there's other people in the Department of Justice really sort of driving this ship.

This is all to say that since, uh, last year, really before the coronavirus, the Trump administration announced that it was going to start trying to carry them out. It announced that they had been sort of secretly trying to get lethal injection drugs, which has been a hang up for a lot of states that want to carry out executions. They got the drugs, and then when the coronavirus hit, uh, it really became apparent that this was gonna be a, um, a reason that people shouldn't gather. That became clear, I think, in mid-March, and then going into late March, early April, a lot of states started canceling their executions, even Texas canceled a number of executions – the Court of Criminal Appeals issued these statements that said, basically like, We're gonna wait and see, and other states to just sort of put a pause on executions.

A couple didn't. Missouri carried out one. Eventually, Texas returned to doing them. But the federal government, uh, basically showed sort of no hesitation in continuing to schedule the executions anyway. And, uh, some of my colleagues and I, especially Keri Blakinger, who I've mentioned before, were really interested in, what is it – why is this happening? But also just what does it look like to try to carry out an execution during a pandemic? And that led to a article that we ended up publishing that I should say, I feel is very much indebted to my time at the Texas After Violence Project – it's called "Witnesses to the Execution".

And we tried to find everyone we could who had any connection to this – to the first of the executions that were being carried out this summer, and we interviewed them, and then we put

together what in the journalism world we call an oral history piece – which is different than how actual oral historians do their work, or how academic oral history works – but it basically, we take, um, sort of first person, pieces of the interviews and sort of string them all together so that you can kind of read an account of this execution, um, from a sort of symphony of different voices of people who have some connection to it.

And we found out that the family members of the murder victim in this case, uh, were split on whether they wanted the death penalty. And the family members who were sort of more publicly outspoken about it, said explicitly, they didn't want it and they didn't want the execution to happen. But if it was going to happen, they wanted to be there, and they didn't feel that it could be done safely, that they could travel safely to be there, uh, during the coronavirus. And those interviews, uh, with a woman named Earlene Peterson and a woman named Monica Veillette – who were the immediate family members of some of the people who were killed by Daniel Lewis Lee, the defendant who was being executed – um, were really heartbreaking because they wanted to be there. They felt like it was their right to be there and, uh, and they weren't allowed to. And their descriptions of grilling the Bureau of Prisons officials to try to do things safely – to wear masks, to wear PPE, to quarantine everybody – they felt like we're not being taken very seriously and, uh, they were frustrated and at the last minute they sued.

So that piece was – took me right into the sort of, um, horrible center of the overlap of the death penalty and the coronavirus and how no two people's stories are the same. These family members really had these very unique stories about their relationship to the case, to the murders, to the man on death row, to the decisions that was made sort of outside of their, uh, input to give him the death penalty and to try to execute him. And then we interviewed, uh, reporters who witnessed that execution. We interviewed activists who stood outside. We interviewed a defense lawyer for Daniel Lewis Lee. Just this whole sort of range of people. And then we also got sort of to speak off the record – uh, or not off the record, I'm sorry, but without their names being used – a Bureau of Prisons employee and also a prisoner at this Terre Haute prison in Indiana who described, um, the prisoner described the way that all the prisoners were sort of kept in essentially a large room together to like wait out this execution on lockdown. They watched movies and complained and dealt with bugs on the floor and it's just a very sort of richly, um, textured and very sort of horrifying scene of what it was like for them.

So, um, this was – this story was another example of just how many people are affected by these cases and these executions and, uh, how much more doubt and uncertainty and fear comes into the

picture with the coronavirus and with the fact that when you execute someone, you by necessity are gathering large groups of people. And in that case, we found out that they were trying to fly in, um, Bureau of Prisons officials and victim family members from around the country, which have had certain kinds of risks. In the wake of the execution, the ACLU shared evidence that they thought that an outbreak of the coronavirus, um, in the county where the execution had taken place could potentially be tied to the execution itself. This is of course very hard to do, but just the fact of people coming and going is obviously a big risk and I think that, uh, that hopefully for readers cast new and different light on both the death penalty and on the coronavirus to kind of see the all the different specific things that happen when those two public policy areas converge in such a troubling way.

**CARTER** [01:00:54]: And I think there's – that is such a rich and like you say horrifying story, and I immediately am drawn to the image of what it is like for so many people who have lost loved ones during the coronavirus who can't, you know, hold their loved one or be there with their loved one or, you know, witness their last moments and then kind of juxtaposing that with the image of the state carrying out an execution.

And, um, there are people in the room, but it's not – you know, it's entirely different. It's – but it's still that same kind of loneliness and that kind of distance and – I don't know, that kind of pain. So I don't know why when you were describing it, I kind of wanted to draw those two moments that I think, um, one may be a little bit more common now that we've had so many people lost to coronavirus and one that maybe is pushed further from the public eye. Um –

**CHAMMAH** [01:01:53]: Yeah. I'd also like to say on that, that death penalty aside, the coronavirus has demonstrated and exacerbated the way in which family members of people in prison feel like it's very difficult to be there for their loved ones. And this has been a theme through, uh, all kinds of different sorts of stories that I've worked on. I, years ago, did a story about, uh – it was actually a – it was a positive story about an innovative program in a Michigan prison where the – basically, they were using solitary confinement, but the staff didn't like that they were using solitary confinement. They wanted to stop using it, but they also had a fear that some of the people who they had put in solitary, because those people had attacked them, you know, couldn't be safely let out. And they developed a system for helping people work their way outta solitary confinement – was essentially what that story is about.

But, while working on it, sort of totally unrelated to the subject at hand, I kept asking the guys in this prison where they were from, and they basically all said Detroit. And we were in, um, a town

in the upper peninsula of Michigan – you know, on the northern coast of the upper peninsula of Michigan. And I remember getting out of the prison that day and just looking on Google Maps at how far it was from Detroit. And it was something like, not remembering now, but it was something like 10 hours – it was like one extraordinarily long day's drive away. And to think that these men, uh, that seeing a loved one like face-to-face involves that loved one driving – never mind that some of these loved ones might not have cars, but even if they have a car, driving an entire day, taking off work, you know, like the barriers there seem so intense. And that's also true in Texas, it's true in a lot of states that the prisons where people are incarcerated are very far away from family members, and I think that the coronavirus has, um, exacerbated that.

One story that I think really has stuck with me from this period was, um – so when the coronavirus started hitting prisons, pretty soon after there were the first deaths – the first people to die of the virus behind bars – and we talked a lot about how we write about that and those people. There are some projects like Mourning Our Losses that are sort of more activist driven efforts to really memorialize, like, as many people as possible who have died behind bars. And we didn't see ourselves as in the business of writing obituaries for every single person. But I looked for situations where sort of an obituary of an incarcerated person could be a way into thinking more broadly about the justice system and the effect of the coronavirus.

And I ended up writing, uh, what was essentially an obituary of one of the first federal prisoners to die of the virus. His name is Patrick Jones and it took a lot of time and effort to sort of get to his family members, but, uh, over time, it became clear that he had struggled with drugs and had ended up in prison on a relatively low level crime of selling drugs. And his story – the fact that he was in prison – had sort of brought to life, this sort of hard question of – like he had been sentenced for selling drugs, but had had some violence in his case and it was not a sort of clean cut, Oh, he had a joint and he went to prison for 10 years and he shouldn't have. Like, it was a complicated case and one that one really would have to grapple with and I realized that a sort of obituary with him could bring to light some of the sort of sticky, difficult questions of how we deal with drug crimes in the federal system and the effects that these, uh, long sentences have on families.

And I remember interviewing his family members and thinking, like, how heartbreaking that you find out just all of a sudden that your loved one has died of the virus inside, and maybe you've gotten to visit him, but maybe you were meaning to and never got to. And, you know, at a time when loved ones of people who die from the virus throughout the country, not just in the justice system, are dealing with the fact that they can't be there because of the risks of contracting the

virus, it sort of casts a light how on even in – like I said before, in normal times, um – prisons and healthcare are – that even in normal times, loved ones struggle with not being able to be there for their loved ones when they get sick. And that's really difficult and, uh, there's sort of untold stories and sort of oceans of trauma there that have yet to be I think really explored, but that journalists and researchers can really sort of unpack and try to address.

**CARTER** [01:07:20]: Yeah. And I think I kind of am curious, um, for you as somebody who – as somebody who's investigating this work and writing about it and talking to people about it so much, but also, you know, working with people like Keir Blakinger. And I'm curious kind of what questions you are finding or what you feel like are emerging right now? Regardless of whether or not you're writing about them, but what are the ones that you are curious about and, um, kind of see either at the horizon line or is one that you're still kind of untangling for yourself in light of the coronavirus?

**CHAMMAH** [01:07:56]: Sure. So a big one is – there's always been this question of how we deal with violent crime, how we deal with, uh, the fact that there are acts of violence in our society that are so terrible and terrifying that we feel like it's necessary from a public policy standpoint to incarcerate these people. So, cutting away all the cases of, um, of drugs, of nonviolent crimes, there are cases where there's violence and there's a real need for sort of healing and restorative justice between the perpetrators of these acts and the people who are affected. And around the country, you know, there are restorative justice programs that are starting to develop.

What the coronavirus really brought to light though was that when prisons and jails are very, very overcrowded, the virus can spread very quickly throughout these populations, and then it can spread out of the jail or the prison to the entire surrounding community and to the society at large. And so what happens in a prison or jail doesn't really stay there. That's always been true, but the coronavirus has really brought it to light. And I think the virus – in the early stages of the virus, a lot of jails let out large numbers of people, um, especially people who were there for nonviolent crimes or who were there for just violating their probation or their parole, something that like is considered relatively not a big deal by the system. But, you know, there was this idea that just if these institutions are too crowded, the virus is going to spread and we want to protect people and we want to keep the virus from spreading. So we let out all these people and then that inevitably raised the question of like, well, did these people need to be there in the first place?

And, um, while I was reporting on Tyler, Texas and Delilah Reynoso, I was on the phone with a county commissioner in that county and he said, "You know, uh, I don't love criminals" – and he



spoke in very sort of blunt terms about about crime, and he had no sympathy for people he considered, you know, who had broken the law – but he said, "You know, every day that, uh, somebody's in that jail in our town, that's like \$60 bucks that isn't going to fix my constituents roads. And when I get calls from my constituents, they say, 'Hey, why didn't you fix that road over there?' They don't say, 'Hey, why'd you let that guy out of jail?'" And, of course, if someone is let out of jail and then commits a violent crime, it does tend to become a sort of news story and a public scandal around how is it that the justice system let this happen? But, the vast majority of the time people are let out and nothing happens in terms of crime and that money can be saved.

And so I'm curious in a broad way about what lessons will emerge from this moment in terms of people's sort of shifting sensibilities about, uh, who should be in crime, who should be in jail or prison, and why and for how long, and how you balance the desire to lock people up against the sort of how much money that costs and the public health risks that come along with it. Um, I think that there's a lot of people who have no sympathy for people who commit crimes, like this commissioner I described in Texas, but will be moved by the cost arguments. The death penalty, the subject that I know better, part of why the death penalty disappeared was that people realized how expensive it was to sentence people to death and the fiscal savings of not doing it, uh, convince people even where the moral arguments didn't.

And so I'm curious to see what the long term ramifications are there. In addition to jails, some state prison systems like Pennsylvania, New Jersey, Connecticut, uh, California have started to let out relatively large numbers of people from, um, their prison systems. What happens to those people? What struggles do they face in building their lives back up? Are they – do they end up back in prison? Why, why do they – and what lessons about the justice system can we take from their experience and from what happens to them? Um, I think that those are questions I'm going to be really fascinated to try to understand and unpack and, um, you know, they're questions that didn't exist – they existed in a way before the coronavirus, but the virus has sort of brought them to light in a new and more direct way that I feel like we're going to be exploring for years to come.

**CARTER [01:12:44]:** And on those lines too, because I think that that language of, you know, bringing to light, shedding light, or laying bare is something that it's really undeniable at this point for so many people when they talk about the criminal justice system. And so, if there is more light being shed then hopefully the public attention towards that issue or towards the criminal justice system is heightened.

And so my kind of, um, related, but trying to transition question is what is your impression, for public awareness, public concern, or even just attention towards criminal justice? And I recognize that the coronavirus period also in it swallows the recent protests, particularly that started after George Floyd's murder. So I'm curious too, as a reporter, or just as a human walking the planet, what your impression of the – how best you can judge a random group of people as vast as the United States, granted can be towards criminal justice and criminal justice issues?

**CHAMMAH** [01:13:53]: Mm-hm. Um, so I've thought about this a lot because when I first started working for The Marshall Project was in the wake of the death of Michael Brown in Ferguson and of Sandra Bland in the Texas jail. There was this sort of run of deaths at the hands of law enforcement around the country that sparked really massive protests that looked not unlike, uh, this past summer, right? And so I've now seen what almost feels like two big cycles of that. And The Marshall Project started publishing really in the wake of the Ferguson protests. And we saw that – I've found that, readers kind of get into these issues because a horrific video circulates of someone dying, someone being killed by police officers. That's not – it doesn't always necessitate a video – the Breonna Taylor case in Kentucky was a big one this summer too, and there's not a video of that, but the injustice of that case just really spoke to people.

And one thing that happens is people are initially drawn into the question of policing because that's the, um, context in which these deaths happen – they happen in the street because someone, uh, um, is a victim of a of a chokehold or a gunshot and they die at the hands of police. But, as people get into it, at least a subset of the public becomes more curious about the larger justice system that policing is a part of. You know, and then occasionally a death in a jail like the death of Sandra Bland in a Texas jail – I guess that was six years ago – uh, becomes a focal point of public attention. In her case, I often think about Sandra Bland's death because in the wake of it, there really was deep public attention to the fact that she had taken – that she had committed suicide – she died by suicide – and that the jail had failed to prevent that. And the Texas legislature the next year came in and tried to write some new laws that would address that – that would improve the mental health screenings that happen when someone enters a jail.

And even beyond the legislative efforts, uh, the fact that that was a national news story, an international news story, meant that Texas jails didn't – nobody wanted to be like the next town where the Sandra Bland death happened, right? And so there was a sort of almost like a shame element in forcing sheriffs to pay very close attention to who was coming to their jails and try to prevent deaths. So the Sandra Bland case, I think I'm bringing it up because it was an example of

how these injustices can lead to really, like, hands on public policy discussions about what to change. The George Floyd death has led to really concrete conversations. On the one hand, about defunding the police, like taking away funding from police officers, but also reallocating funding within police departments so that the officers with the guns aren't the ones who show up when someone's having a mental health crisis. There's real, you know, meaty conversations happening in a lot of cities about what to do in those situations, mental health crises in particular.

I've also been looking at a handful of cases where people have died in jails and there is a really active effort to hold the jails accountable and try to change things so that, um, more people don't die in these jails. I recently have been interviewing some, um – I've been looking into basically sheriffs, is a sort of subject I've gotten into, and a number of sheriffs this year were either elected, or they challenged incumbents on the argument that the deaths in the jails need to stop, and that a new sheriff needs to come in and sort of clean house to stop these deaths from happening. And all of these are examples of the ways that something like the death of George Floyd is like a spark or a symbolic, horrific event that sort of reshapes the narratives and sort of takes over the country and starts guiding public policy decisions and gives activists sort of ammunition when they try to, you know, hold their sheriffs or police chiefs accountable when they go to legislatures and try to write new laws, to try to pass new laws to improve the justice system.

And I think, uh, coming out of this summer and the coronavirus – so in the same way that the coronavirus sort of cast light on the justice system more broadly and raised all these new questions, I think now we're going to see this question of does the momentum for activists and for public attention that came out of the death of George Floyd sort of continue on and what does that continuing on look like? Does it play out in sheriff elections – which is something I was tracking this election season very closely. Does it play out in district attorney elections? Does it play out in, um, mayoral elections over the choices that they made in police chiefs? In city council elections? So elections I think are going to be one big part of it and then, you know, the Texas legislature is going to meet early next year and there's already talk of some bills around policing and criminal justice that I think we'll start to address these questions. And I'll be curious to see how the momentum of the sort of George Floyd summer plays out when it's no longer a question of, you know, protests and calling attention, and it becomes a matter of public policy fixes or attempts at fixes. So yeah, those are all, I think, the areas that I'm going to really be watching.

And then the other thing I really think a lot about is – something we've sort of, um, tiptoed around a lot in this conversation – which is, in these cases of very violent crimes, when I was reporting the

death penalty book, I found a case that I ended up spending a chapter on, where it was 2008 in Houston, an undocumented immigrant had killed a police officer and went to trial that year. And, so he was undocumented, he killed a police officer, point blank range, like it was really sort of the worst sounding crime you can imagine in terms of public, you know, we want the death penalty. And Houston is famous as the sort of capital of the death penalty – it sentenced, um, more people to death than certainly any other county in Texas and more than many states as a whole, just one city.

But in Harris County, this one lawyer working with her team managed to get the jury to see this defendant who committed this really terrible crime with some sense of mercy and sympathy, and they eventually spared him the death penalty and gave him life without parole. And they did that in part through, um, really rigorously, and continuously investigating every facet of his life up to that point. You know, his path from Mexico to the United States, his – the abuse he suffered as a child, his struggles with alcoholism, all of these things. And they created this really complex portrait for the jury, and once the jury felt like they had gotten to know this man, it was like that much harder to vote to kill him. And I wanted to focus on that case so much because it felt like it had lessons for the larger justice system. Like, if this can happen in a case where that crime is that egregious, and these defense lawyers managed to make the jurors, the public, us as readers, see him with some – any sympathy, any mercy at all – like, I can only imagine, you know, what we would be able to see just in any given robbery, home invasion, burglary. What can come out of a really deep immersion in the life stories of the people who commit these crimes, and what kinds of mercy and what kinds of different public policy responses other than long prison sentences and the death penalty can we come up with as a society for these situations. So it just felt like a sort of, uh, hopeful little narrative that kind of points a direction forward for how we could think about the justice system beyond the sort of mass incarceration frame that we've had for several decades now.

**CARTER** [01:22:59]: I'm really excited to read that chapter, because I think, I think that's such a – the idea of a more complete portrait is something that I think is really behind so much of mass incarceration as well, and I think that's a really wonderful kind of microcosm that you're using through that one case.

Um, and my last question is, is there anything else that you would like to share or to add for this interview?

**CHAMMAH** [01:23:28]: Um, let's see. Uh, not that I can think of. I also hope in the future to kind of think more creatively about ways of connecting the public to people in prison, um, beyond just stories about their cases and about their legal issues. So, um, I've written some stories about artists

who are incarcerated and who have a sort of different way of approaching the arts whether it's visual art or music, or creative writing because of their experience. I should also just mention that throughout this time, my wife Emily and I have run a contest for incarcerated writers, called the Insider Prize that's a collaboration with a literary journal called *American Short Fiction*. And, uh, that has run each year and it's gonna run next year and the deadline for submissions for that is December 31st. And, the judge this year is Mitchell S. Jackson, a really great formerly incarcerated writer.

So I've been, um – in running that contest and in doing these stories about visual artists, I've just been thinking about the importance of sharing stories about incarcerated people that really just treat them as like people beyond their case, beyond the fact of their incarceration, beyond the circumstances they found themselves in, and just the fact that they're also an artist or also a musician or also a creative writer. Um, I think that that's also a crucial element of humanizing the system and, um, bringing people into a more nuanced view of these issues, then they might get through the numbers and through the sort of, legal framework for understanding these cases and issues.

**CARTER** [01:25:22]: Yeah, I think that's wonderful. That's really, that's awesome to hear. Thank you so much, and thank you for agreeing to this interview.

**CHAMMAH** [01:25:29]: Absolutely, happy to do it. And yeah, I will keep trying to think of other people you should talk to, um –