TESTIMONY OF DAMON A. THIBODEAUX
SENATE JUDICIARY COMMITTEE
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Chairman Durbin, Ranking Member Cruz, and members of the Subcommittee, thank you for inviting me to testify today. My name is Damon Thibodeaux. When I was 22 years old, I was arrested, interrogated by police, and coerced into falsely confessing to raping and murdering my 14-year-old cousin. In October 1997, I was tried and convicted for capital murder and sentenced to death. I was then sent to the Louisiana State Penitentiary at Angola where I spent a month shy of 15 years in solitary confinement before I was exonerated and released in late September 2012. I then became the 141st known actually innocent death-row exoneree since the Supreme Court reinstated capital punishment in 1976. I was the 18th death row inmate since that time to be exonerated based at least in part on DNA evidence.

I do not really have the words to tell you fully how much physical, mental, and emotional harm is done to those of us who are placed into solitary confinement for any length of time, but I want to thank you for this chance to give you at least some idea about what we are doing to people when we confine them in this way.

I spent my years at Angola, while my lawyers fought to prove my innocence, in a cell that measured about 8 feet by 10 feet. It had three solid walls all painted white, a cell door, a sink, a toilet, a desk and seat attached to a wall, and an iron bunk with a thin mattress. These four walls are your life. Being in that environment for 23 hours a day will slowly kill you. Mentally, you have to find some way to live as if you were not there. If you cannot do that, you will die a slow mental death and may actually wish for your physical death, so that you do not have to continue that existence. More than anything, solitary confinement is an existence without hope.

Fairly early during my confinement at Angola, I very seriously considered giving up my legal rights and letting the State execute me. I was at the point where I did not want to live like an animal in a cage for years on end, only to lose my case and then have the State kill me anyway. I thought it would be better to end my life as soon as I could and avoid the agony of life in solitary. Fortunately, my lawyer and friend, Denise LeBoeuf, convinced me that I would be exonerated and released someday, and she gave me hope to keep fighting and living.

The food, such as it was, was brought to us whenever the prison decided it was time to feed us. It consisted often of nothing more than rice and gravy, and sometimes rotten vegetables that could not be sold in stores to people on the outside. The diet was high in salt, carbohydrates, and fat, and, together with the lack of normal activity and exercise, caused many of the men to develop diabetes, heart disease, and other serious ailments. I estimate that about 70 percent of the inmates on death row at Angola had heart and dental issues, largely from the food and other conditions. Inmates would go untreated because they could not afford treatment. One inmate could not walk after years of solitary confinement. I developed high blood pressure and high cholesterol, problems that disappeared after my release and return to a decent diet and normal activity.

The heat inside death row was unbearable during the long summers in Louisiana because we were denied air-conditioning. The prison actually blew hot air from the outside into the death row building, raising temperatures into the 100-130 degree range in each cell and making our existence there all the more unbearable. We would sit in our cells with the sweat dripping down our bodies. Some would strip and lie on the floor where they would also try to sleep. But, if we had to leave the cell or if a tour group came through to stare at us, we had to dress in our jumpsuits, no matter how hot it was. Those who had heart disease or diabetes suffered the most.

In the winter, the problem was exactly the opposite. The temperatures in the cells were often in the 40-50 degree range because we often did not have heat. We collected sweatshirts and blankets to stay warm. Some of the men could not afford them, so we would give them our sweatshirts to stay warm. But, if someone could not help you, you just sat there and shivered. We treat pets and animals better than this. If you treated animals this way, you would get arrested and prosecuted, but that is apparently not the case with humans.

People would come to death row to tour our cells as if we were in a zoo. I sometimes thought that they brought tour groups from schools and churches into death row just to see how difficult it was for us there. We are, as the prison tells these visitors, the "worst of the worst" and do not deserve to be treated humanely.

Inmates in solitary have no job and no educational or job training opportunities. The time passes painfully and slowly.

In solitary confinement, we spent our time waiting for exoneration, execution, or the reduction of our death sentences to life in prison. We have access to television on a shared basis with another inmate, and the viewing is limited to whatever the prison permits. We can read books if someone on the outside can afford to buy them for us from Amazon or some other approved seller, or if inmates share the books they have received. I understand that some inmates in some prisons do not have these same privileges and they must come up with other ways to keep their minds from slipping.

No one, no matter how horrible the crimes for which they have been convicted, can endure this lack of stimulation, contact, and activity for very long. I saw men lose their minds. Some screamed at all hours of the night. Some just stared at a wall, even when they could spend their one hour a day outside of the cell. Some were drugged to the point that they seemed nearly

comatose. Some tried to save their medications and overdose on them to commit suicide. I saw men smear their feces in their cells. For 15 years, I watched the State slowly execute many of my fellow inmates before it could legally put the needle into their arms.

To make the time pass as best that I could, I exercised in my cell two or three times a day. During the one hour each day that I was out of my cell, I could shower, call my lawyer, or take care of whatever else I needed to do. On three days each week, I could spend that one hour outdoors in what was basically a caged dog-run. Depending on the weather, I might stay inside and exercise in the hallway by running back and forth. I did not see the night sky or stars during those 15 years. Sleep was often a problem because I was so inactive and mentally dulled during the day.

To keep my mind occupied as best that I was able, I watched the news, listened to the radio or cds, and read what I could. I repeated this same routine over and over again, day after day, for 15 years. The monotony was interrupted only by a visit or phone call with one of my lawyers or, rarely, a visit from a family member. These visits, which not everyone gets, occurred about once every five years. I would not permit my son, who was five years old when I was incarcerated at Angola, to visit and see me in that condition. I insisted that he wait until I was exonerated before we met. Only on the day of my release on September 28, 2012, when he was 20 years old, did I see him for the first time since my arrest in July 1996. I believed that seeing me in those conditions at Angola would be harmful to both of us.

Since my release, I have seen a psychologist who has helped me understand how I have to view my time in solitary for a crime that I did not commit and how to keep it from causing me even more harm. I have suffered a number of long-term effects from solitary confinement, including difficulty engaging and speaking with people on some occasions.

I do not condone what those who have killed and committed other serious offenses have done. But, I also do not condone what we do to them when we put them in solitary for years on end and treat them as less than human. We are better than that or, at least, we like to think that we are. Why do we think it is necessary to do this to anyone and what benefit are we gaining by doing it? It's torture, pure and simple, no matter what else we want to call it. Very few people in this country have any idea that we are keeping thousands of people in solitary confinement and what we are doing to them by doing that.

I thank the Subcommittee for looking at this situation and educating the public about it.