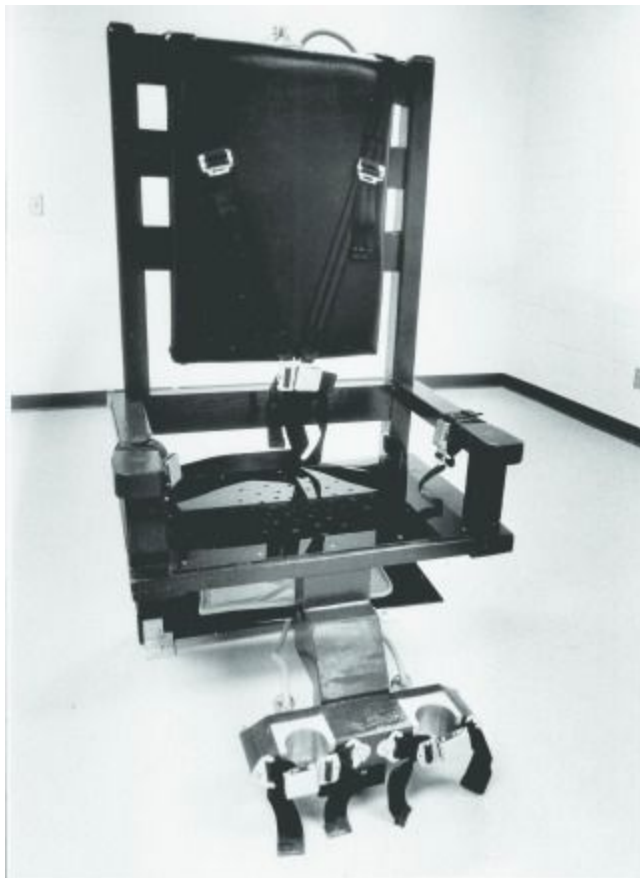


The Chair: 100 Years After Its First Use, Tennessee's Electric Chair Remains the State's Most Prolific Killer

The chair has only been used once in the past 56 years, but uncertainty around lethal injection means it could come back again

Steven Hale July 7, 2016 4 a.m.



Current Tennessee Electric chair

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With about 30 days left in Daryl Holton's life, Ricky Bell approached him with some paperwork and a question — how did he want to go?

According to Tennessee law, a person sentenced to death for a crime committed before Jan. 1, 1999, may choose his or her method of execution. After almost a century of using electrocution to kill the condemned, Tennessee introduced lethal injection in 1998 and made it the primary

method of execution in 2000. From then on, death row inmates who had committed their crimes before the change were given a choice: the chair or the gurney.

It was Bell's practice as warden, following state protocol, to meet with inmates around a month before their execution date to talk them through the process, tell them what to expect and give them the chance to ask any questions they might have.

Holton, by then a 45-year-old Army veteran, had undoubtedly committed the heinous crimes for which he was sentenced to death. Ten years earlier, in the fall of 1997, he had shot each of his four children, two at a time, with a rifle in a Bedford County garage: Stephen Edward Holton, 12; Brent Holton, 10; Eric Holton, 6; and Kayla Marie Holton, 4. After the killings, he turned himself in.

A decade later, faced with the warden who would oversee his execution and a piece of paper that would seal his fate — or determine the means of it, at least — he made a surprising choice. He would take his punishment sitting down.

His reasoning seemed to have a vague sort of honor to it.

"It's not very intellectual," he told Dan Barry of *The New York Times* in an interview three days before his execution. "At the time of the commission of the offense, that's the punishment that was in place. That was the law."

Holton would be the first person executed in the electric chair in 47 years, and in a refurbished chair that had never been used in an execution before. With the date looming, Fred Leuchter Jr. — who had updated the chair himself — publicly expressed concerns that the chair would not kill Holton quickly or humanely enough. Leuchter told *The City Paper* the day before Holton's execution that he was worried the state's protocol called for too low a voltage to be used during electrocutions — an amount he said could boil the blood of the man in the chair and leave him brain dead, but not kill him. He did concede that he had lost the ear of corrections departments across the nation after other doubts he expressed publicly — doubts about the Holocaust. Tennessee officials made it clear they trusted the chair would get the job done and that they would be sticking to the protocol.

The macabre liturgy of death by electrocution is laid out in a manual titled *Execution Procedures for Electrocution*. Over the course of more than 100 pages, it details the Death Watch — the final four days leading up to the execution — down to the smallest detail: The condemned inmate is allowed newspapers as requested, but no more than two in the cell at a time; the inmate may request a special last meal, but the cost may not exceed \$20.

The protocol also lists the responsibilities of each person on the execution team, whose identities are "known by the fewest number of staff necessary." The warden oversees the whole process and, when everything and everyone is in place, must order the executioner "either verbally or by gesture to proceed with the execution." The prison chaplain meets with the inmate to put preferred funeral arrangements in writing and will "say a brief prayer of intercession immediately prior to execution."

According to the protocol, the execution team is supposed to rehearse the execution day procedure once every quarter — an exercise known inside the prison as "band practice" — simulating the execution process exactly with a few exceptions. Among them: "electrical current is not activated when a volunteer is secured in the chair" and "a body is not placed in the body bag."

On Sept. 12, 2007, they were called upon to do the real thing.

For an electrocution, the protocol calls for the inmate's head and legs to be shaved. Holton had taken care of his head himself months before he would walk to the chair.

"I wouldn't want them to leave with a feeling of guilt," he told the *Times*, speaking of the guards who would have been tasked with shaving him. "As far as I'm concerned, it's just a job. They're just a bunch of guys trying to pay their rent."

Their job on Sept. 12 was to extract him from his cell, already dressed in the uniform of a dead man walking — "cotton trousers, shirt, cotton socks, or cloth house shoes" and, as the manual notes, the "trousers and shirt are to be without any metal" — and take him to the electric chair. In an account of that night written an hour after the execution, David Raybin — who served as Holton's attorney on execution day, ensuring everything was done by the book — recalls what happened just before the extraction team entered the cell.

"The warden asked if Daryl wanted the Chaplain," Raybin writes. "He did. The Lord's Prayer was recited aloud by everyone."

When the blinds to the execution chamber are raised just after 1 a.m, Holton is strapped in the chair, resembling "a young child buckled into a car seat" according to Barry's report in the *Times*. The black restraints of a harness are tight across his chest, his arms tied down with straps. Sponges saturated in a saltwater solution are strapped to the front and rear of each ankle.

Reporters and other witnesses later said Holton almost seemed sedated as he sat there in the chair, yawning and appearing sleepy, as if he had been given some sort of medication. But state officials attributed that to the fact that he had begun hyperventilating when he was placed in the chair. Bell had given him a few minutes to catch his breath before the blinds came up. With reporters and attorneys looking on — no family members were on hand to witness his execution — Bell asks Holton if he wants to make a statement.

"Um, yeah," he says, according to *The City Paper*. "Two words: I do."

Reports from the execution speculated about the meaning of Holton's vague last words. Were they a dark reference to the marital vows he had shared with his wife before killing their children amid a custody dispute? Perhaps an acceptance of his punishment?

Asked if that's all he has to say, he nods, and with that, two guards remove a sponge soaked in brine from a container and place it on Holton's bald head — to help conduct electricity. After

that, a leather headpiece like an old football helmet is secured on top with two side straps and a chin strap. As this is done, the saline solution runs down Holton's face, soaking his shirt, but as guards try to dry him with towels, he stops them.

"Don't worry about it," he says. "Ain't gonna matter anyway."

The sponges are important, though. The Tennessee protocol calls for the use of natural sponges "harvested from the sea." In the '90s, two executions in Florida — home to the nation's most notoriously ill-tempered electric chair — ended with the heads of each condemned man bursting into flames. One incident was attributed to the use of a synthetic sponge, while the second was blamed on poorly prepared solution.

Finally, a black shroud is placed over Holton's head and face, one of the many peculiar elements of this death ritual — a gracious act, perhaps, to give the inmate some sense of dignity in death. More likely, protection from grim reality for the witnesses.

At 1:16 a.m., the executioner pushes a button on a black console labeled "Electric Chair Control," sending 1,750 volts bolting to the chair and through Holton's body. On for 20 seconds. Off for 20 seconds. And on again for 15 seconds.

"Holton's body tensed severely and arched from the chair, his pelvis pointing almost skyward, straining against the restraints," *The City Paper* reports. "Holton's hands turned pink as he grasped the arms of the chair."

Bell tells the *Scene* that after Holton's execution, he added another restraint to the chair — a lap belt to hold the person down in their seat.

After the chair has run its cycle, protocol calls for a five-minute waiting period before a physician enters the room to determine if the inmate is deceased. Soon Bell's voice is heard over a loudspeaker: "Ladies and gentlemen, this concludes the legal execution of Daryl Holton. Time of death was 1:25 a.m. Please exit."

The chair now sits at Riverbend, alongside the state's lethal injection equipment, waiting in case it should ever be called upon again. The *Scene* requested a tour of the death chamber, to see and photograph the chair, but that request was swiftly and repeatedly denied by TDOC officials. They supplied a file photo instead.

"Executions are the most somber function of TDOC," says department spokeswoman Neysa Taylor. "There are times scheduled throughout the year where we bring in people to that space. Also, members of the Citizens Academy are afforded a tour but are not allowed to bring in cameras."

The chair wasn't always so closely guarded. Dorinda Carter, a former TDOC spokeswoman who was on the job for the 2007 electrocution, remembers tours in which visitors — often members

of the media — could see the chair. Some even sat in it. Seeing the chair in person, she says, has an obvious effect on anyone who shares space with it.

"I think when you lay eyes on this device and you have notions about what it is, seeing it has an effect on most people who come there," she says. "And so they react either with a nervous reaction, sometimes a sad reaction, and there is a reaction that sort of pushes it away as if it's something not real."

Those who have experienced just how real it is are unable to conceal the horror of the knowledge. Most who spoke to the *Scene* about experiences with the chair visibly struggled to do so.

In an interview with the *Scene* last year, Raybin, who drafted Tennessee's death penalty statute in the '70s, described the experience of witnessing Holton's execution, wiping his eyes as he spoke as if he were trying to scrub the memory from his mind. Now, nine years after Holton was strapped into the chair early in the morning that September day, Raybin says his views on the death penalty in general haven't changed — he believes it's constitutional and should, in theory, be allowed in extraordinary cases where there is adequate due process. The chair is different, though.

"Having witnessed this electrocution, I absolutely believe that electrocution as a method of execution is barbaric in the extreme," he says. "I think it's medieval. I think that it should be held to violate the Constitution. This is not just a personal opinion. I think as an attorney I'm very much of the view that it should be considered unconstitutional because it's so cruel — not necessarily the instant of death. What I'm talking about is all of the stuff that leads up to it." He concludes his written account of Holton's execution — titled "I Witnessed What Should Be the Last Electric Chair Execution" — like this:

"It demeans us as a society to have this electric chair execution on the books much less to actually use it. The electric chair is a carnival of death which brings no dignity to the victim or our judicial system."

For some of the condemned, execution in the chair is preferable if it brings society face to face with that reality. Jeannie Alexander, an activist and former chaplain at Riverbend, says some death row inmates say they'd rather be put to death in the chair and force the state to confront what an execution really is as opposed to carrying out what is, in theory, a relatively peaceful lethal injection.

A verdict on the chair in Tennessee has been deferred for now. The Tennessee Supreme Court a year ago halted a lawsuit brought by death row inmates challenging its constitutionality, ruling that a legal challenge to the chair would have to wait until the state announces an intention to kill one of them in it. Whether that will happen could depend on the outcome of an ongoing legal fight over the state's lethal injection protocols. Oral arguments in that case begin at the state Supreme Court in October. All executions in the state have been put on hold.

But the outcomes of either of those cases won't be the end of questions surrounding the death penalty, be they moral or practical. Would the end of today's execution methods mean the invention of a new one for tomorrow?

And if we kill the electric chair, what will be done with the wood?

