

Rough justice on death row - by those who lived to tell the tale

An acclaimed, star-studded play arrives from Broadway to tell the stories of innocent people who escaped execution

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'Imagine everything you did between the years of 1976 and 1992. Now remove all of it.' I'd rather not. But some people don't get the choice. An American play arrives in London later this month that dramatises the stories of six survivors of death row, all wrongfully convicted of capital offences and later freed when those convictions were overturned. The show arrives, blazing glory after an 18-month run off-Broadway, where a star-studded revolving cast earned it a nomination for the New York Times's Play of the Year in 2002. But it's not Mia Farrow, Jeff Goldblum or Alanis Morissette who pitched in with the most striking performance in *The Exonerated*. It was one Sunny Jacobs, appearing on stage to tell her own story, of the wasted years spent as the first woman condemned to death after the reintroduction of capital punishment in the US in 1976.

Jacobs will be reprising her autobiographical turn, for select performances, at London's Riverside Studios this month. 'It is amazing,' she says, on the phone from her new home in Ireland, 'to go from a death-row cell to giving performances in Europe and human rights talks in Kazakhstan and Canada. I never dreamed my life would turn out like this.' It's less of a surprise to Jessica Blank, one half of the writing team who compiled *The Exonerated* from real-life testimonies. 'Sunny,' she says, 'is quite an amazing human being.'

The story of *The Exonerated* began in 2000, the year of George Bush's disputed election to the Presidency. Capital punishment was in the news: as governor of Texas, Bush had put 152 convicts to death, almost one a fortnight. Blank and her then-boyfriend (now husband) Erik Jensen assembled a docu-theatre piece from interviews with former death row inmates across America, all of them freed, says Blank, 'amid overwhelming evidence of their innocence.' They recruited a director, Jensen's friend Bob Balaban. And Balaban, better known as the short, bespectacled star of Hollywood comedies *Best in Show* and *Waiting for Guffman*, recruited movie-star cohorts Danny Glover, Richard Dreyfuss and, naturally, Tim Robbins and Susan Sarandon to perform. (Glover, alongside Stockard Channing, Kristin Davis and Aidan Quinn, will appear in the show's London run.)

Since 2000, the play has shed testimonies (from 11 to six) and added material from original case files and court transcripts. 'Because audiences hadn't understood,' says Blank, 'how, in the United States, which supposedly has one of the best criminal justice systems in the world, things could go so horribly

wrong that somebody innocent ends up on death row.' The revised play answers that question with appalling clarity. It ran for 600 performances in New York. Stars queued up to take part. A performance was requested by Governor Ryan of Illinois, who cited the play when he commuted the sentences of all the state's death row inmates in 2003.

Underpinning all this hoopla are six deeply moving testimonies, woven together modestly but skilfully in a play that is far from the worthy political tract you might expect. Take the story of Gary Gauger, who gives *The Exonerated* its Greek-tragic opening when he describes the horror of discovering his parents' bodies - then being arrested for their murder. Or the harrowing tale of Kerry Max Cook, convicted in 1978 of the brutal murder of a 21-year-old woman. Cook was branded a 'homosexual maniac' in court, raped and mutilated in prison, before being released in 1997, the longest tenured death row inmate in US history to be freed.

And then there's Sunny Jacobs. Jacobs was a 28-year-old mother of two when she was present at the shooting of two police officers during a vehicle check in Florida in 1976. One of her co-accused, Walter Rhodes, gave false statements that helped prosecutors win death sentences for Jacobs and her boyfriend, Jesse Tafero. As Jacobs drolly asserts in the play, 'the jury wasn't allowed to know that Rhodes accepted a plea bargain of three life sentences in exchange for his testimony! Now, I don't think three life sentences is a bargain. Nobody I know would think it's a bargain...'

Jacobs spent five years in solitary confinement as the only woman on death row. In 1981, her sentence was commuted to life imprisonment after her lawyers uncovered a polygraph test suggesting Rhodes might have lied. But Jacobs remained in prison for a further 11 years.

The play gives that stretch of her life a painfully intimate reality. In their separate cells, Jacobs and Tafero teach themselves Japanese, so they can 'use the language for our lovemaking,' says Jacobs in the play, 'because we wanted to have some privacy'. Jesse's letters to Sunny are quoted in *The Exonerated*: 'We're so lucky,' he writes, unbelievably. 'I love you so much. You're my woman, as close as my breath.' Then, 'hito banju kimyo ikasatai'. It is the special quality of verbatim theatre, to render details so personal, so artless and unselfconscious, they can stop the heart in ways seldom achieved by the scripted word.

While Jacobs was still incarcerated, her parents were killed in a plane crash. In 1990, her partner Jesse Tafero was executed in a famously botched and drawn-out electrocution. It's hard to conceive of the superhuman reserves of strength on which Jacobs drew. 'I had to decide, "This is bullshit,"' Jacobs says in the play. "'I am not going to let them do this to me." [Because] if you're determined not to believe in hopelessness, then a spark happens, and then you just keep fanning that little spark until you got a flame.'

Meanwhile, a childhood friend, the filmmaker Micki Dickoff, campaigned against her conviction. On her eventual release, in 1992, Jacobs visited the grandchild she had never met. 'Grandma, were you lost?' asked the infant. 'Yes,' Jacobs replied, 'I was.'

Fourteen years later, Jacobs is married to another former death row inmate, Peter Pringle, and they live together in Galway. 'I love it,' she says. 'Ireland is a whole country that has decided that peace and

reconciliation is better than holding old grudges and fighting.' In the play, she calls herself a hippie, and that's exactly how she sounds today: cheerful, peaceful - dare I say, innocent?

Not so, counter critics of *The Exonerated*, who point out that Jacobs and Kerry Max Cook were never technically acquitted. In Jacobs's case, she reluctantly entered a plea of second-degree murder in 1992 and was released with time served, while still maintaining her innocence. 'And what the play shows,' says Blank, 'is that the evidence of innocence is irrefutable.'

As is Jacobs's happiness today. The nickname Sunny (her real name is Sonia) is no accident. 'Every day is a gift,' she trills. 'That's why they call it the present.' That's not to suggest her time is without discomfort. Jacobs is currently writing the story of her life, 'up to the present day,' she says, 'and that's my favourite part.' Chronicling the past is more painful. 'Sometimes it's cathartic and sometimes it's just something I'd rather get through.'

The same could be said of *The Exonerated*. Of course, it's funny seeing one's words spoken by Oscar-winning actresses. But 'I have never seen the play performed and not been in tears by the end. It's hard for me to watch.' Easier to perform, she says. 'Then my own words can almost be a buffer so I don't have to dig inside myself and open those old wounds. But inevitably, you do. It almost feels that you agree to bleed before the audience one more time. Because it's important.'

Does that importance relate to *The Exonerated*'s role as a propaganda tool in the battle against the death penalty? Blank plays down the show's political aspect. They chose to tell stories of the innocent and not the guilty, says Blank, because 'the idea that innocent people shouldn't be sent to prison, let alone executed, is one that people on all sides of the issue can come together on'.

But she is confident that attitudes are changing in the US. Recent polls show support for the death penalty at its lowest level since 1978. 'The issue of wrongful conviction, and the deeper flaws that it reveals in our criminal justice system, is something that regular Americans are becoming concerned about.' America's execution count since 1976 passed the 1,000 mark last December. That milestone, alongside recent executions such as that of LA gang-leader and Nobel Prize nominee Stanley 'Tookie' Williams, has put capital punishment back on the front pages.

But *The Exonerated* is about more than the rights or wrongs of the American penal system. It is about six human beings who endured unimaginable hardship, and lived to tell the tale: this tale. 'It's an ironic and amazing turnaround,' says Sunny Jacobs. 'It is wonderful now to be thought of almost heroically, rather than tragically. It has helped all of us to feel positive about ourselves. And I feel easier about moving on now. I feel that part of my life is being left in good hands to serve a good purpose.'

• *The Exonerated* is at the Riverside Studios, London (020 8237 1111), from 21 February

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