

STATEMENT OF WALTER McMILLIAN
TO THE
UNITED STATES SENATE
JUDICIARY COMMITTEE

APRIL 1, 1993

My name is Walter McMillian. I was sentenced to die in the electric chair and spent nearly six years on Death Row in Alabama awaiting execution for a murder that I did not commit, a murder that I knew nothing about, a murder that I had nothing to do with. Today, the State of Alabama has acknowledged that I am an innocent man and that I was wrongfully convicted. What happened to me could have happened to you, or to anyone else. I was convicted and sentenced to death on the false testimony of one man. I am here today to urge you to do all that is in your power to prevent what happened to me from happening to anyone else.

I am now 51 years old. When I was arrested, back in June 1987, I had my own pulp-wood business. Pulp-wood is big in Monroe County, Alabama, in fact it may be the leading industry in the region, and what it involves is cutting down the pine trees and getting the wood to the paper mills. I had worked hard all my life. I had dropped out of school when I was a young boy and started working for my mother when I was only ten years old, plowing fields. As a young man, I had worked for a logging company, running a saw. In the early 1960's, when I was about twenty, I started my own pulp-wood business -- by agreement, I would chop your pine trees down, cut them up and haul them to a wood yard, so that they could be shipped to paper mills. Gradually, I came to own a couple of pulp-wood trucks, power-saws, and a tractor. Along with my crew of three to four men, we would cut any man's pine, regardless of the terrain.

I also raised three beautiful children -- Jackie, Johnny, and James -- with my wife, Mini. Jackie now lives up in Huntsville, and works for the State of Alabama. My two sons are still in Monroeville, and one of my sons, Johnny, has three beautiful children of his own. My uncles and aunts, my sisters and nephews and nieces, and of course my grandchildren, all lived near my family in Monroeville and shared with us many wonderful moments of celebration and happiness. We had a big family and many friends and lived our lives in a close community.

That's what we were doing on the morning of November 1, 1986 -- the morning that a young white lady, that I did not know, was tragically murdered at the Jackson Cleaners in Monroeville. At the time she was murdered, I was helping out at a fish-fry that my sister, Evelyne Smith, had organized to raise money for her Church. A fish-fry is where you all get together and fry fish and sell the fish to raise money for your Church. My sister Evelyne was the minister of her Church. This fish-fry was taking place in my back yard, behind my house, which is several miles outside of Monroeville in a rural area near Repton, Alabama. That morning, I was also helping my friend, Jimmy Hunter, a mechanic, who was working on my pick-up truck in my back yard. The transmission of my truck had been leaking, so Jimmy and I took the transmission out and we put in a new seal.

I learned about the tragic murder of that young lady, Ronda Morrison, when someone came by my house and told Jimmy Hunter and me that she had been killed earlier that morning in downtown Monroeville. We were all so upset about crime in our

community. It was a shock for all of us. Six months went by and I did not hear much about the tragic incident at the Cleaners. I had heard that there was big reward money, something like \$15,000, for information leading to the arrest of the person that committed that crime. But that's about all I heard until June 7, 1986, the day I was arrested.

That was a Sunday. It was about 11:00 a.m. in the morning, and I was driving my truck down Route 84, a straight shot to my house, when all of a sudden I was surrounded by the police. There were cars of every type -- State Troopers, city cars, the Sheriff and his deputies. They were everywhere, all behind me, on the side, and they stopped me right in the middle of the road. They jumped out with all kinds of guns, rifles, pistols, shotguns, and shoved me up against my truck. They yelled at me to put my hands over my head, not to ask any questions and not to look back.

This had never happened to me before and it was extremely terrifying. I don't know whether you've ever looked straight into the barrel of a shotgun, a rifle or a pistol, but I can tell you, it is a very frightening experience. Particularly when you are a black man in Southern Alabama. They told me to shut up and not say anything or else they would blow my brains out. I kept on asking "why are you doing me like this, what's going on?" And all they would tell me is that I was charged with sodomy. I asked them what that meant. And someone responded in a loud angry voice -- and in vulgar terms -- that I had sexually assaulted a man. I didn't even know what sodomy meant, and to this day I cannot understand why they arrested me on that charge. They never told me where, when or how I had committed this crime. It was simply a way to make me seem really

evil and dangerous and a way to get my truck. The charge was later dismissed by the Court because there was no factual basis.

They put me in a State Trooper car and took me to jail. They took my truck to the station and kept it there. At the station, a jailhouse snitch named Bill Hooks examined my truck and later testified at trial that he had seen my low-rider near the Cleaners on the morning of the crime. A low-rider truck is a pick-up truck that has been altered to ride low to the ground. But I had only had my truck converted to a low-rider five months *after* the incident at the Cleaners, in May 1987. Because I had my truck converted to a low-rider *after* this murder, there was no way that anyone could have seen *my* low-rider truck near the Cleaners on November 1, 1986, the day that young girl was murdered.

Within a couple of weeks, I was transferred to Death Row at Holman Prison in Atmore, Alabama -- a State correctional facility. There, on Death Row, I awaited my trial for about one year. No one on Death Row, no one at the prison, no attorney I have ever spoken with -- *no one* has ever heard of a capital defendant being placed on Death Row prior to trial and prior to being sentenced to death in Alabama. The reason is that the confinement on Death Row is the most restrictive confinement in the entire State and is not suited to a person that needs to communicate frequently with his lawyers and prepare for trial. To this day, I do not know why I was placed on Death Row one year before my trial.

Death Row was a terrible experience. With the exception of forty-five minutes per day of exercise time and a few rare hours per week in the day room, my days were spent in my cell -- twenty-three hours a day. My cell, a mere five-by-eight foot space, was my only world. Had it not been for the loving visits of my family and grand-children, I may not have survived the experience. And even with their support, my experience on Death Row was traumatic.

I was wrenched from my family, from my children, from my grandchildren, from my friends, from my work that I loved, and was placed in an isolation cell, the size of a shoe-box, with no sun light, no companionship, and no work for nearly six years. Every minute of every day, I knew I was innocent, my family and friends knew I was innocent, and we all knew I had been wrongfully convicted for a crime that I had nothing to do with.

I have spent many hours -- too many hours -- trying to figure out why I was chosen to be the victim of this terrible injustice. I had no prior felony convictions and had not had difficulties with the law. I had worked hard all my life and had no debts. I had a family and friends and no one that I would consider my enemy. But I had made one mistake. One big mistake in Monroeville, Alabama. I had been seeing a white woman. And my son, he too had made one, terrible mistake. He had married a white woman.

The woman I had been seeing was named Karen Kelly. She was acquainted with this white man, Ralph Myers, who pled guilty to the brutal murder of another young woman that occurred at about the same time as the Ronda Morrison killing. Ralph Myers was the man that testified falsely against me.

My trial was a two-day nightmare. I don't know if you can understand how painful it is to have to sit quietly and watch, and say nothing, when people you don't know are taking an oath before God, making up lies as fast as they can speak, and accusing you of killing an innocent, 18-year-old girl in the prime of her life. I have a daughter, a beautiful, loving daughter that I cherish. How could I be accused of killing a young woman the same age as my own daughter? How could I have done that? What business would I have had, a black man known by all -- black and white -- in Monroeville, to walk into the Cleaners in downtown Monroeville, steal money and kill an innocent person? I had my own business, my own trucks, my family and friends, my life. What on earth would have been my motive to do this?

I couldn't say a word as these people took the witness stand and lied about my whereabouts, and lied about my low-rider truck -- that wasn't even a low-rider at the time of the crime -- and lied about my doing something I would never do. Never. Something I had no business doing. It was agonizing to hear the lies and to sit there, watching.

But nothing was more painful than when the jury returned with a guilty verdict. We had put on a half-dozen friends and family members that had been to the fish-fry. They had seen me there all morning. They knew I couldn't have done this. They all testified that they had seen me and been with me all morning. But no one believed them. Fine, upstanding members of the black community -- they were no match for a white, convicted felon. Ralph Myers, a self-proclaimed murderer, had more credibility to my nearly all-white jury than the upstanding members of our community who had gathered

together to raise money for their Church. The verdict was a hurting thing. It was especially traumatic for my family. They had seen me all that morning. They knew I was innocent. The verdict to them meant that they were liars, that they were worthless. If they had not know for sure that I was innocent, then maybe they could have speculated whether I had committed the crime. But there was no speculation for my family and friends. They all knew what the justice system had just done. They understood that we were all being punished.

What followed were another four-and-a-half years on Death Row. While I was on Death Row, I saw seven other prisoners executed. I experienced the executions with the greatest pain and with enormous fear about whether this would happen to me. From my cell you could smell the stench of burning flesh. The smell of someone you know burning to death is the most painful and nauseating experience on this earth.

What followed were also four-and-a-half years of hope and of prayers. I knew I was innocent and I knew that someday the truth would come out. I knew that some day my innocence would be proved. I had faith in the Lord. I had unwavering faith in the Lord. For nearly six years I prayed that that someday would not come *after* my execution.

There are many things that concern me as I sit here today. I am excited and happier that I can describe to be free. At times, I feel like flying. However, I am also deeply troubled by the way the criminal system treated me and the difficulty I had in proving my innocence. I am also worried about others. I believe there are other people under sentence of death who like me are not guilty.

When you are poor and under sentence of death you worry about a lot of things. One of the biggest worries is whether you'll get the kind of legal assistance you need to save you from execution. I feel like I was very fortunate, but a lot of others have not been so fortunate and for many Death Row inmates, it takes years to get the kind of legal representation and investigation necessary to prove their innocence. If federal courts do not permit Death Row prisoners to prove their innocence, even after many years on Death Row, and prevent wrongful executions, the hope of many innocent people on Death Row will be crushed.

It is important that you understand how important hope is to condemned prisoners. I have survived these six long years, but I am a different man. I have suffered pain, agony, loss, and fear in degrees that I had never imagined possible. My life will never be the same now. That is something I have come to terms with. I have learned more knowledge about human existence in these last six years than I would ever have desired. And I would like to share just one thing with you. Justice is forever shattered when we kill an innocent man.

Walter McMillian
Montgomery, Alabama