

# North Carolina's Death Row a waiting game with high stakes

**EDITORS NOTE:** On April 17, 1979 the Raleigh News and Observer ran an in depth look at North Carolina's death row residents, including interviews with Cardell Spaulding and Buck Junior Goodman.

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By GINNY CARROLL  
Staff Writer

The rats scurry at night behind a low-slung barrier of wire while a row of men uses rubber bands to catapult paper-clip bullets at the intruders.

It's a game, one of the makeshift diversions to pass the time on North Carolina's Death Row, said Stephen Karr Silhan.

Silhan is the latest among five men and two women sentenced to die in North Carolina under the capital punishment law that took effect June 1, 1977.

It is a far cry from the days two years ago when 112 men and women crowded Death Row, sentenced under a law that demanded death for conviction of murder, rape, arson and burglary. The new law, which allows juries discretion in imposing the capital penalty, has kept the tally low.

But the essence of Death Row has not changed. It is still a place of little hope, where convicted killers wait with different thoughts to meet their doom, three prisoners said in interviews with The News and Observer last week.

Most of the men on Death Row are housed, one to a cell, in one of the oldest sections of Central Prison in Raleigh, where roaches and rats defy extermination. The women are held in maximum security at the N.C. Correctional Institution for Women across town.

The exception is Cardell Spaulding, a powerfully built man with much-tattooed arms who has been convicted of murder three times, the last two of fellow inmates. Spaulding is housed in a separate section of the prison, away from Death Row.

Spaulding, nicknamed Bill, has been on Death Row before, one of the 112. Because of a technical error in paperwork — a failure to seek a stay of his sentence from the N.C. Supreme Court — he came within hours of execution in 1975. A reprieve was granted when the error came to light.

But this time, he believes he may die. "I feel like, you know, it (the death penalty) is going to be imposed down the road. I feel like it's going to be imposed on me," Spaulding said in an interview last week in a room near his cell. It is the tightest security area, deep within the state's maximum-security prison.

Spaulding was convicted last year of slaying a fellow inmate to death in the recreation yard. He testified at his trial that the man had threatened to kill him earlier.

"I don't have too much book learning, but I've got a lot of common sense," Spaulding said. "In this place here, when you're in a jungle like this, when somebody tells you to get your mess together, you do it."

On the day Hal Roscoe Simmons died, he said, "I went to my stash and got my shank out." Spaulding said he hid the homemade knife in his tennis shoe; prison guards testified at his trial that the knife was passed to him by a fellow inmate.

He went into the recreation yard, he said. "I didn't even let him get all the way up on me. I took my shank out and started doing what I thought he was going to do to me."

Spaulding had been convicted previously, in 1974, of killing a prisoner at Caledonia prison in Halifax County, where he had been confined on a 20- to 30-year sentence for killing a Robeson County man in 1969. He first came to Central Prison in 1966.

Prison officials believe Spaulding is a dangerous man. "I am the onliest person in Central Prison who has to recreate alone," he said. He has asked to be shifted to the cell block with other Death Row inmates, including his cousin James Calvin Jones, who was convicted of murder and assigned to Death Row but given a new trial by the N.C. Supreme Court this year. Officials have denied Spaulding's request.

Spaulding takes medication — red and white capsules — four times a day "for my nerves, to keep me calm," he said. He writes plaintive letters to friends on the outside. He reads, "not too much fiction" but *Time*, *Playboy* and *Penthouse* magazines, he said.

At 40, he would rather die, he said, than spend the rest of his life in such a fashion.

"Like, if I go up and sit in the chair (in the gas chamber) and they kill me, they would be just as guilty as I am," Spaulding said. "Any way you look at it, murder's murder. They're doing that to get revenge."

"I'd rather kill myself than let them kill me, rather than have this warden have the pleasure of watching me die. I would never let him have the pleasure."

Buck Junior Goodman, convicted of the shooting and slaying death of a farm worker in 1977, feels differently about dying.

"There's some crimes that's been worse than others, but death is no punishment to a person," he said.

Given a choice between death and life in prison, "I'd a heap rather be here," he said. "I like me, and I want to live as long as possible."

Goodman, a thin, squat man called "Shorty," at 49 has spent 17 or 18 years of his adult life in prison, mostly for armed robbery, he said.

He was charged in the death of Lester Collins in Cumberland County, along with two other persons who received leniency for testifying against him, and he doesn't think he has been treated with justice. He also is serving two life sentences for armed robbery and kidnapping in the incident. His attorney is expected to argue the disparities in the case as part of Goodman's appeal.

"I wouldn't have the least idea," he said when asked if he believed he would be executed eventually. "I think about it. I'd hate to have to go through death and not deserve it."

"They might kill me, and they might not," he said.

Steve Silhan tries not to dwell on that topic.

"That's what gets you in a bad mood. It's why people commit suicide, why they hang themselves in here," he said. "I don't believe in that. It's the ultimate sin against the Lord. It's the painful way out."

Silhan, 25, is a native of Texas who came to North Carolina as an Army enlistment and married a girl from Sanford. His religion is "Roman Catholic but not holier-than-thou," he said with a crooked smile.

Silhan, father of a young child, was convicted of raping and stabbing one teen-ager in Cumberland County and slaying the throat of a second, who survived. In a separate prosecution, he was found guilty of kidnapping a Wake County couple and forcing the woman to engage in oral sex with him.

He is unsure whether the death penalty ever will be imposed. "From reading newspapers and the stuff I've been told, I think it's discriminatory," he mused. "There are more persons in there for killing whites than blacks."

## Convicted killers: Will they now be killed themselves?



... Stephen Karr Silhan



and Cardell "Bill" Spaulding

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# Under new law, fewer people line Death Row

By GINNY CARROLL  
Staff Writer

Like the mercury in a summertime thermometer, the count of prisoners on North Carolina's Death Row rose quickly to 112 during the three years before the U.S. Supreme Court told the state in 1977 it must alter its method of imposing the capital penalty.

With the largest Death Row in the nation, the state was on the sharp end of the critical spear aimed by capital punishment foes during those years. Bloodbath predictions abounded.

But since July 1976, when a high court ruling commuted the sentences of the 112 to life imprisonment, the tally of criminals sentenced to die in the state has plunged.

Nine persons — seven men and two women — have been assigned to Death Row since a discretionary law took effect nearly two years ago, on June 1, 1977. The discretionary law replaced a statute in which the death sentence was mandatory in capital crimes.

Legal authorities agreed in recent interviews that the new law — placing the burden of death sentence on the jury and requiring jurors to weigh aggravating and mitigating factors — has played a large part in the small population of Death Row.

Those who work in the court system also agreed that while some executions in the state are likely, they are years away.

One of the nine sentenced to die — Daniel R. Webster — administered his own sentence on Nov. 6, 1977, by slashing himself to death with a razor blade in his Central Prison cell.

A second of the nine — James Calvin Jones — has been granted a new trial by the state Supreme Court.

For the remaining seven, the wait may be a long one. "Two or three years at least," Jack Cozort, legal aide to Gov. James B. Hunt Jr., said during an interview last week.

The five men — Johnny "Raeferd" Cherry, Norman Dale Johnson, Cardell Spaulding, Buck Junior Goodman and Stephen Karr Silhan — will wait at Central Prison.

Rebecca Case Dettler and Margie Bullard Barfield will pass their time at the N.C. Correctional Center for Women.

There are indications, however, that the long-delayed death mechanism will be triggered soon in other Southern states.

Apparently the only barrier to the execution in Florida of John Spenklink is a clemency board hearing later this month. If that fails to stop the death order, Spenklink could be executed in about three months, making him the first person executed against his will in the United States since 1967.

The last prisoner executed in North Carolina was Theodore Boykin in 1961.

The NAACP Legal Defense and Education Fund, which has coordinated anti-death penalty efforts from its New York headquarters, fears that the execution of Spenklink could achieve the same effect as the little Dutch boy removing his finger from the dike, loosing a flood of deaths.

In North Carolina, the legal barriers to execution have not gone beyond initial stages. The state Supreme Court,



Buck Junior Goodman

"I like me, and I want to live as long as possible.

collecting cases for comparison, has not yet affirmed a death sentence.

The court, by law, is allowed to measure one death sentence decided by a jury against others to ensure the sanction is not discriminatory.

Prosecutors are comparing, too, said District Attorney Dan K. Edwards Jr. of Durham. In forums, they have discussed the necessity to restrict death prosecutions to the most heinous cases, he said.

"If we don't reserve capital treatment for the worst cases, the Supreme Court won't have a good basis to compare," he said in an interview last week. "District attorneys generally are seeking the death penalty only in aggravated cases. That's one very positive result of the new law."

It is also a factor in holding down the Death Row count, he said. There are others.

Under the law stricken by the U.S. Supreme Court, the death penalty was imposed automatically for all persons convicted of a capital crime. Now, a jury must weigh aggravating and mitigating factors of the crime and criminal before deciding death in a hearing separate from the conviction phase of the trial.

"We're pretty much back to where we were before the mandatory law," said Raleigh lawyer Wade M. Smith, who defended Cardell Spaulding during his Wake Superior Court murder trial. Before the mandatory law, juries were allowed to recommend mercy in appropriate cases.

The mandatory death law also applied to four crimes — first-degree murder, rape, burglary and arson, Cozort recalled. Murder is the only crime now punishable by death in North Carolina.

Death row has taken on a new look in another respect. Under the mandatory law, a majority of its prisoners were blacks or Indians. Five of the current seven under death sentence are white.

While the number may be too small for a racial comparison, the same pattern has developed in Florida, after whose law North Carolina patterned its present death statute. Sixty percent of the 120 Death Row prisoners there are white.

"The only reason the death penalty was discriminatory before 1972 was probably because of black-rape-white cases," said Raymond Marky.

## Warriors Win Battle Lose War

by LD Malcolm

Lumberton - Host Lumberton Sr. High exploded for three runs in the top of the fourth inning to defeat the Pembroke Warriors 5-2 in the championship game of the Lumberton Easter Invitation here last Friday night.

Going the distance for the Pirates was Ricky Ivey who fanned 13 and walked only 4. Glenn Thomas took the loss for Pembroke.

It was a game marred by questionable officiating and a brief fight in the second inning between Warrior fist baseman Bobby Taylor and Pirate Mike Parnell.

Pembroke picked up their two runs in the bottom of the first inning. David Leek walked on four pitches and subsequently advanced to second base and onto third on a passed ball before scoring on a Mike Sampson single. Mike likewise stole second and gained third on an errant Ricky Ivey pitch. Kelvin Sampson hit a sharp single up the middle to drive in the Warrior's second run. A strikeout ended the inning.

The Pirates managed one run in each of the next two innings before scoring three in the highly controversial fourth inning. With one out in the top of the fourth and a runner on base, Mike Parnell hit a sharp grounder to Warrior shortstop Mike Sampson. Sampson's throw to first was just wide and as Bobby Taylor stretched for it, Parnell crashed into him jarring the ball loose. A Taylor right sent Parnell to the ground and brought both teams out of their dugouts. A lengthy argument ensued & when the dust had cleared things were even more confused than before. Neither player was ejected from the game although Warrior coach Ronnie Chavis did pull Taylor from the game.

The final three innings saw the two teams battle to a scoreless draw.

## James Small Added To Death Row Ranks

Raleigh-Robeson County owns a lot of nefarious records. The county has the most school systems in North Carolina and now holds the record for being the birth place for more people on death row than any of the state's 100 counties.

Until the death penalty was meted out to James Small Tuesday in Robeson County's Superior Court, Indians from Robeson County made up 25% of the populace on Death Row in Central Prison. Small, a white, was given the death penalty for the contract killing of his estranged wife. The man, Paul Lowery, an Indian, accused of carrying out Small's death directive, received a life sentence.

Small will add to the population of death row in Raleigh which includes two women and five men besides himself.

Already on death row are: Cardell Spaulding, an Indian native of Robeson County; Buck Junior Goodman, another Indian native of Robeson County; Velma Bullard Barfield, a white woman from Robeson County; Steven Carl Silhan, from nearby Cumberland County; Rebecca Case Dettler, convicted of poisoning her husband with arsenic two years ago; Johnny Cherry, found guilty of murdering a convenience store clerk; and Norman Dale Johnson, convicted in separate trials of murdering a ten year old boy and an elderly woman.

James Small received the death penalty for ordering the "contract" killing of his estranged wife, Evelyn Hamilton Small, on the fateful night of November 14, 1978 when Paul Lowery carried out her strangulation murder, according to the jury's verdict.

Lowery was given life in prison for his conviction in the murder of Mrs. Small. The prosecution had contended that Small, who had filed for divorce from his wife, hired Lowery and an accomplice, Vincent Johnson, to kill his wife because he was afraid he would lose his house, his convenience store in Red Springs, and the custody of his two young children.

Johnson testified during the trial that he accompanied Lowery to the Small residence at the behest of Small and that Lowery strangled Evelyn Small in her bed while he kept watch on the children across the hall. Seemingly entry to the Small residence was gained via a key obtained from James Small.

Small claimed that the murder was a conspiracy between Lowery and Shirley Scott, his former girlfriend, whom he had recently broken up with.

Ms. Scott, charged with conspiracy, and Johnson, charged with first degree murder, have not been tried yet.

Lowery, following a question from his attorney, Donald Bullard of Pembroke, swore on his mother and father's graves that he did not kill Evelyn Small earlier in the trial.

Judge Donald Smith and D.A. Joe Freeman Britt both noted that this was the first time someone contracting a murder was charged and convicted of first degree murder.

Indians probably make up less than one percent of North Carolina's populace but 25% of the death row population is made up of Indians born in Robeson County where some 30,000 Indians live.

As noted earlier both Spaulding and Goodman are Indians born in Robeson County. Until granted a new trial for errors made by D.A. Joe Freeman Britt, James Calvin Jones, another Indian from Robeson County, also was on death row. He is awaiting a new trial.

That means that out of 8 people on death row (until Jones' new trial) three of them were Indian males from Robeson County. Another one on death row, Velma Bullard Barfield, a white woman accused of the arsenic poisoning of the man she intended to marry, was also convicted from Robeson County.

Thus far the N.C. Supreme Court has ruled on only one case, after hearing testimony, and that was in the case of Jones who was ordered a new trial. Decisions are pending on the case of Spaulding and Cherry. The court has also heard testimony in the case of Norman Dale Johnson but has not rendered a decision.

Until the U.S. Supreme Court overturned North Carolina's death penalty in 1976 there were more than 100 on Central Prison's Death Row awaiting the gas chamber. The last man to die in the gas chamber in North Carolina was Theodore Boykin in 1961.



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