

The Prosecutor Who Says Louisiana Should ‘Kill More People’

By Campbell Robertson

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SHREVEPORT, La. — In a much-discussed dissent from the Supreme Court’s ruling on lethal injection last week, Justice Stephen G. Breyer laid out the problems, as he saw them, with the death penalty. Among them was “arbitrariness in application,” including how simple geography can determine whether someone convicted of murder would be sentenced to death.

“Between 2004 and 2009,” Justice Breyer wrote, “just 29 counties (fewer than 1 percent of counties in the country) accounted for approximately half of all death sentences imposed nationwide.”

Caddo Parish, here in the northwestern corner of the state, is one of these counties. Within Louisiana, where capital punishment has declined steeply, Caddo has become an outlier, accounting for fewer than 5 percent of the state’s death sentences in the early 1980s but nearly half over the past five years. Even on a national level Caddo stands apart. From 2010 to 2014, more people were sentenced to death per capita here than in any other county in the United States, among counties with four or more death sentences in that time period.

Robert J. Smith, a law professor at the University of North Carolina whose work was cited in Justice Breyer’s dissent, said Caddo illustrated the geographic disparity of capital punishment. But he said this analysis did not go far enough. Caddo, he noted, has bucked the national trend in large part because of one man: Dale Cox.

Mr. Cox, 67, who is the acting district attorney and who secured more than a third of Louisiana’s death sentences over the last five years, has lately become one of the country’s bluntest spokesmen for the death penalty. He has readily accepted invitations from reporters to explain whether he really meant what he said to The Shreveport Times in March: that capital punishment is primarily and rightly about revenge and that the state needs to “kill more people.” Yes, he really meant it.

And he has been willing to recount his personal transformation from an opponent of capital punishment, a belief grounded in his Catholic faith, to one of the more prolific seekers of the death penalty in the nation.

“Retribution is a valid societal interest,” Mr. Cox said on a recent afternoon, in a manner as calm and considered as the hypothetical he would propose was macabre. “What kind of society would say that it’s O.K. to kill babies and eat them, and in fact we can have parties where we kill them and eat them, and you’re not going to forfeit your life for that? If you’ve gotten to that point, you’re no longer a society.”

Mr. Cox later clarified that he had not seen any case involving cannibalism, though he described it as the next logical step given what he at several points called an “increase in savagery.”

Mr. Cox’s personal evolution not only serves as a window into the criminal justice system in Caddo Parish, Mr. Smith said, but also goes to the heart of the questions raised by Justice Breyer.

“When you start to look underneath the counties and ask, ‘Who is actually prosecuting these cases?’ you realize in most of the counties, it’s one or a limited number of prosecutors,” Mr. Smith said. For instance, in the five years since Lynne Abraham left the office of district attorney in Philadelphia, where she had secured 45 death sentences in 19 years, there have been only three death sentences.

“What you’ve ended up with,” Mr. Smith said, “is a personality-driven death penalty.”

Mr. Cox’s personality has been under scrutiny here since he returned to being a prosecutor after two decades in insurance law. Lawyers who knew him as a congenial and adroit trial lawyer said that in recent years he had become sullen and solitary. They also have described him as becoming increasingly aggressive in the courtroom, in some cases even threatening defense lawyers with criminal contempt for filing opposing motions.

“It’s such a dramatic change,” said Ross Owen, a former Caddo prosecutor and assistant United States attorney who now practices defense law in Shreveport.

“The behavior in and of itself might not be a big deal,” he said. But given Mr. Cox’s position, and the fact that the defendants in most of these capital cases are poor and black in a part of the state with a deep history of racism, Mr. Owen added, “He’s got a loaded gun and he’s pointing it at a lot of people.”



Dale Cox leaving the courthouse in Shreveport, La. In Caddo Parish, more people were sentenced to death per capita from 2010 to 2014 than in any other county in the United States. Brandon Thibodeaux for The New York Times

Several said this was not so much Mr. Cox as the culture of the office. They point to a historical racial disparity in the application of the death penalty in Caddo. Or they cite an incident in 2012, when two senior assistant district attorneys, both of whom continue to prosecute capital cases elsewhere in the state, were forced to resign from the office after they obtained machine guns from a military surplus program through what an inspector general found to be falsified applications. The men had belonged to a group of prosecutors who participated in firearms exercises as part of a unit known as the Caddo Parish Zombie Response Team, sporting arm patches around the office and specialty license plates on their trucks.

Mr. Cox, who rose from first assistant to acting district attorney after his boss died unexpectedly in April, was never part of that group and disapproved of it. But he did not dispute that the work he does had changed him and left him more withdrawn.

He describes this as a natural result of exposure to so many heinous crimes, saying that “the nature of the work is so serious that there’d be something wrong if it didn’t change you.” He went on to describe violent child abuse, murders and dismemberments in extended detail, pointing to a box on his desk that he said contained autopsy photographs of an infant who was beaten to death. He volunteered that he took medication for depression.

“The courts always say, ‘Evolving standards of decency tell us we can’t do this or that,’ ” he said in an interview at his office, where he had been considering whether to seek death in one case and preparing to seek it in two others. “My empirical experience tells me it’s not evolving decently. We’ve become a jungle.”

The number of murders in Shreveport has decreased by more than 67 percent since the early 1990s. But Mr. Cox insisted that if the numbers were down, the nature of crimes had become more depraved and that it demanded a different approach.

Defense lawyers conceded that the approach was different.

Mr. Cox had refused even to entertain pleas of life without parole in homicide cases for which he deemed death the only fitting remedy. In other cases, the office has prosecuted people for ancillary crimes even after they had made plea agreements. After a man was convicted in 2014 of smothering his infant son, a case that hinged almost entirely on differing interpretations of complicated forensic evidence, Mr. Cox wrote that the man “deserves as much physical suffering as it is humanly possible to endure before he dies.”

Alluding to Rousseau and Shakespeare, Mr. Cox remained unapologetic, insisting that he believed what he was doing was right. But he was not entirely untroubled.

“I am humble enough and fearful enough,” he said, considering the biblical commandment not to kill and his own place in the afterlife, “that my God may say to me, ‘I meant what I said, and you’re out.’ ”

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