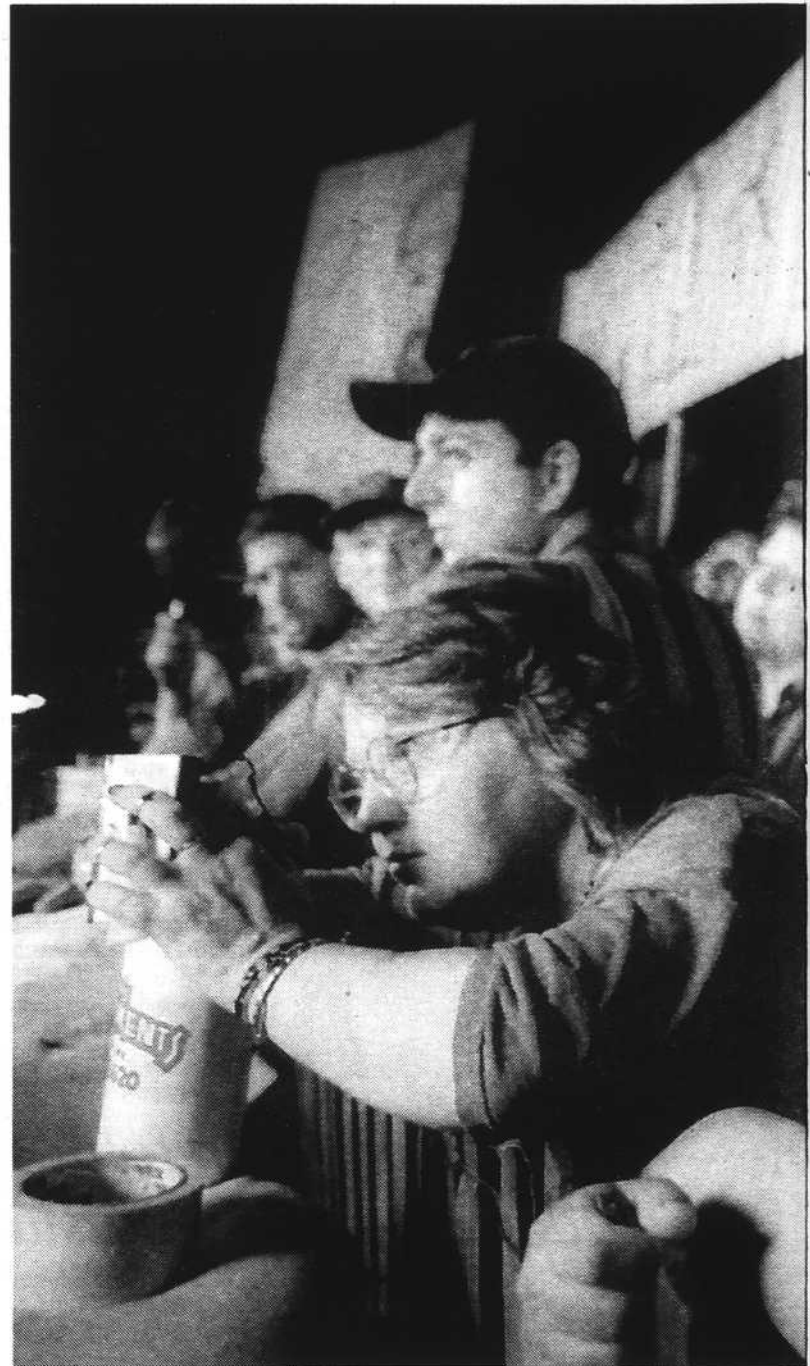




Matthew Waite/DN

Ed Howard of The Associated Press speaks to reporters after witnessing John Joubert's execution. Behind him is Chuck Ashby of KFAB radio in Omaha, Gavin Williams of KHAS television in Hastings and Eugene Curtin of the Bellevue Leader.



Witnesses say execution not what they expected

By Matthew Waite
Editor

As the sun rose on the Nebraska State Penitentiary Wednesday morning, evidence of the previous night was quickly disappearing.

The fences and barricades were coming down, the trash on the grounds was blowing away.

As Lincolniters went about their morning business, much of the conversation around the coffee machines and hallways was about the night before.

The newscasts, the front pages and the radio all had one top story: John Joubert had been executed.

Joubert was put to death early Wednesday morning for the 1983 abduction and murder of two Sarpy County boys — 13-year-old Danny Eberle and 12-year-old Christopher Walden. Joubert was also convicted in Maine for killing Richard Stetson, and faced a life sentence there.

Warden Frank Hopkins said the first jolt of electricity was administered at 12:14 a.m. and was ceased at 12:15 a.m. Joubert was pronounced dead at 12:22 a.m.

Joubert was the second to die in Nebraska's electric chair in the last

two years, with Harold Lamont Otey's execution on Sept. 2, 1994 being the first. Charles Starkweather's execution in 1959 marked the last since.

The collective memory of Otey's execution was marked by a state that hadn't executed a man in 35 years and an unruly crowd that chanted and waved signs.

Joubert's execution, however, showed some stark contrasts as the evening progressed:

— Death penalty opponents said they had more trouble rallying people for Joubert because his crime was against children. Their ranks were smaller than for Otey.

— Crowd control was improved at the penitentiary to include more officers on the scene and a wider separation of proponent and opponent forces.

— The proponent crowd this time, was smaller and better behaved. Some still showed up with signs, some chanted and others were drunk. But only two arrests were made, one for assault and one for disturbing the peace.

Probably the greatest contrast was the reactions of the media witnesses to the execution. The group of five reacted in the opposite fashion to the media witnesses in Otey's case.

Where Otey's media witnesses were visibly shaken and pale, Joubert's media witnesses seemed hardly moved.

— Chuck Ashby, an assignment editor at KFAB and one of the media witnesses, said he was not as shaken as he thought he would be.

"Am I shaken by it? No," he said. "Have I seen worse as a reporter? Yes."

A total of ten people witnessed the execution. Four witnesses — Rich Pitre, one of Joubert's high school teachers in Maine; Theresa O'Brien, Joubert's pen pal from Ireland with whom he developed a love interest; Laurel Van Ham, Joubert's psychologist; and attorney Dale Baich — were chosen by Joubert.

One witness, Fred Britten, associate warden of the Nebraska State Penitentiary, was the state's official witness.

Two people were chosen to oversee Joubert's treatment up to the point of execution, but were not witnesses. The two chosen were State Sen. Ernie Chambers and Lincoln Rev. Donald Coleman.

These witnesses were not available for comment after the execution.

Those who were available are members of the media.

The state picked five media witnesses via lottery. The witnesses were Ashby; Paul Hammel, an Omaha-World Herald reporter; Ed Howard, a reporter with the Associated Press; Gavin Williams, of Hastings TV station KHAS; and Eugene Curtin, a reporter with the Bellevue Leader.

Media witnesses described the following scene:

Witnesses were led into the viewing room and after a short time, the curtains were pulled open to reveal Joubert, who had no hair on his face or head, sitting in the electric chair.

Straps ran across his chest, waist, elbows, wrists and legs. Joubert gave a faint smile, looked at his witnesses and mouthed "I love you." Some of the media witnesses said Joubert directed the words toward O'Brien.

After only a half a minute, the curtains were closed. When they opened again, Joubert was masked.

Joubert held up one finger on his right hand. His hands were bound tightly and they started to turn blue from the tension in the straps.

He moved the finger back and forth, in a waving motion. Then, his body went stiff with the first jolt of electricity.

As the four jolts were administered,

a faint "thud" noise could be heard. Joubert's body would rise with the thuds and fall back when the jolt left.

Smoke appeared on Joubert's right leg, but Howard, who witnessed both Otey and Joubert's executions, said the blistering appeared to be less severe than the burns Otey received from the electrodes.

When the body went limp for the last time, a penitentiary official walked up to the body and checked a pulse in the neck area. The official shook his head and Joubert was pronounced dead.

Joubert's witnesses then moved to console each other.

"They did what you would expect," Howard said. "They talked amongst themselves. They hugged each other. We tried not to intrude on their grief."

As questions poured in from the more than 40 members of the media inside the penitentiary, each media witness said they did not see what they expected.

"I was struck by how quickly this happened," Hammel said. Williams also said he did not see what he expected.

"Maybe this was a brutal way for this man to die, but it was not really what I expected," he said.