

# *No matter how you mix the chemicals...* **No humane way to kill**

One of the fundamental lies about the death penalty is that it is a punishment that can be carried out humanely, rather than plain murder.

The need to perpetuate this lie has led states over the past decade to turn almost exclusively to lethal injection, which is viewed as a modern innovation—a kinder, gentler method of execution. Scientific sterility and a medical façade allows lethal injection to be sanitized in a way that the electric chair—with its dated mechanics and gruesome botched executions—did not.

But now lethal injection is at risk of going the way of the electric chair. Disturbing autopsy reports and legal appeals by death row prisoners have ripped the veil off the façade, revealing the truth—that lethal injection is cruel and unusual punishment, and there is ample evidence to prove it.

Abolitionists need to learn the basics to the next phase of the fight for Abolition.

## Recent history

On June 12, 2006 the Supreme Court, in a unanimous decision, allowed death row prisoners added challenges based on lethal injection after they've exhausted their regular appeals. These court challenges have been effective in putting the death penalty on hold in many states.

But the Supreme Court has *not* ruled whether lethal injection constitutes a violation of the constitution's ban against cruel and unusual punishment. With the number of appeals rising, it is possible this issue will reach the court in the coming year.

## History

- The modern form of lethal injection in the United States was introduced in the late 1970s by a medical examiner in Oklahoma.
- Oklahoma adopted the first lethal injection statute in 1977. Texas passed one the next day and was the first state to carry out lethal injection, in 1982.
- Today, 37 out of 38 states use lethal injection as their primary form of execution. In 19 states, lethal injection is the sole method of execution.

## A CEDP Fact Sheet BY LILIANA SEGURA

### How it works (or doesn't)

- Lethal injection is designed as a three-drug "cocktail." The first drug, sodium thiopental, renders the prisoner unconscious. The second, pancuronium, is a paralytic that serves no purpose other than to mask the effects of the fatal doses. The third, potassium chloride, is a drug that stops the heart.



- Recent examinations of autopsies from executions in California have shown that the three-drug formula has not worked correctly; in many cases, prisoners' breathing stopped long after it was supposed to. Eyewitnesses have said that prisoners who were supposed to be numb and unconscious appeared to be experiencing great pain in the last stages of the execution.
- In 2005, a letter by medical researchers published in the medical journal *The Lancet* revealed that in 43 of 49 executions they investigated (88 percent), prisoners had insufficient levels of thiopental in their blood, and were thus fully conscious throughout the execution.

## Old News

Long before these findings, countless death row prisoners suffered botched and prolonged executions by lethal injection.

- In Arkansas in 1992, Ricky Ray Rector—a brain-damaged prisoner whose execution was attended by Bill Clinton, who took time out from the presidential campaign trail—waited for nearly an hour while technicians searched to find a vein. He eventually assisted them in finding one.

Rector was not the first or the last prisoner to have to assist in his own execution. Billy Wayne White, in Texas, did the same later that year.

- Despite these cases, in most executions by lethal injection the paralyzing agent makes it impossible to know whether a prisoner is experiencing pain, a fact that led the American Veterinary Medical Association to ban the use of pancuronium bromide in the euthanasia of animals decades ago. In the words of one doctor, "They are using '70s technology for animals 35 years later in people."

## There's No Fixing the Death Penalty

The current controversy over lethal injection has prompted several states to reconsider their death penalty statutes. Constitutional challenges have created de facto temporary moratoriums in California, New Jersey, Florida, Missouri and Delaware.

Most, however, are not reconsidering capital punishment itself; they are simply trying to adapt to the new legal scrutiny by tinkering with their methods. In California, for example, a judge attempted to force San Quentin Prison to bring certified anesthesiologists into the execution chamber (anesthesiologists refused).

In the coming battle, states will attempt to concoct "pain free" ways to kill a person. It is critical, therefore, that we show all the reasons why death penalty itself remains indefensible.

There is no "fixing" the racial bias, class bias and political corruption that make the death penalty emblematic of society's most profound inequalities.

