Lethal Injection

“On the day of my judgement, when I stand Before God, and He asks me why did I kill one of His true miracles, what am I gonna say? That it was my job? My job?”-Paul Edgecomb, The Green Mile (Johns). In this film from 1999, an African American man is sent to death row for a crime he did not commit. As the officers on the cell block get to know him they discover that he is indeed innocent. They struggle with the conflict of trying to help him escape or carrying out the execution since it is in fact their job. Many men would not question the sentence of a man at that point in time. They would justify their actions by shifting the blame. Paul Edgecomb is one of the head officers on the cell block who carries out the execution. While he is just a character in a movie he represents a distinct group of men and women that still exist and similarly struggle. Edgecomb starts to question whether executing people is morally right. This movie was set in a time period when execution was a more frequent sentence. Even though today methods have changed to become ‘more humane’ the American public does not always have enough facts and insight in order to understand the decisions the state legislators make regarding capital punishment.

This film took place in the 1930s. While different procedures were followed the same laws existed. Today we use the method of lethal injection, which is the process of killing someone with a three drug cocktail (Clermont 43). These drugs are meant to first make them
unconscious, second is an anesthesia to numb any sensation, and the third and final drug is supposed to stop the heart. After being found guilty of a crime such as a horrendous murder it is possible to be sent to death row where the prisoner is likely to wait until execution. The only reason that they may not stay is if the court rules in their favor or if an appeal is successful. However, if this does not work the prisoners will stay on death row and wait until their execution. The average amount of time that these inmates spend on death row is about 13.5 years (Sun). When the day comes, they will stay in the death chamber until they are injected with the chemicals and then pronounced dead. This process is designed to be quick and painless.

However, in May 2014 there was a story about a man who had suffered during his execution. His name was Clayton Lockett. Officials say Lockett’s suffering was due to vein failure but they will not say anymore (“Experts Scurry after Botched Execution”). There is not much known about Lockett’s death because officials refuse to tell the public what happened. If the procedure is humane why does it seem as if they are withholding information? The process of lethal injection is supposed to be medical. Shouldn't they have been able to compensate for this supposed vein failure? No one is certain if the drugs were administered properly or if medical personnel were present. They were not able to help him and the man died of a heart attack after 43 minutes compared to the proposed ten to fifteen. The Eighth Amendment states that every person has the “right to be free from cruel and unusual punishment” (Fulkerson and Suttmerson 272). The extra 23 minutes that it took for Lockett to die qualifies as cruel and unusual.

These 23 minutes could have been prevented. However we do not know enough about the process to make an informed decision. Information is being withheld from the voting public. The only people who know what is happening are government officials rather than the people they
are supposed to represent.

As a recently registered voter I do not think that it should be abolished but I am worried about the information that is being withheld from us. I think lethal injection can be made more humane. Especially considering we kill our animals more humanely than we kill our own species. What does that say about us as a society? I never thought much about the death penalty other than ‘he suffered who cares? He deserved it if he was on death row in the first place.’ However, after more research I found that our current method seemed to be a little questionable. Not only are doctors not present in a ‘medical’ procedure, but we do not know where the drugs come from.

I think it is about time that the voting public finds out. We vote these legislators into their positions so we have a say if they stay or not. As a society we have to stand up for others. While individuals are put on death row for serious crimes, no one deserves to die suffering and withering in agony. We deserve to know what is happening if elected officials want to stay in office. They need our trust.

In order to understand lethal injection, first capital punishment needs to be understood as a broad topic. It includes more than lethal injection and has come in many different forms. Capital Punishment is defined as “the execution of people who have been found guilty of crimes that are detrimental to society and the perpetrators deserve the most severe punishment” (“Capital Punishment”). Woody R. Clermont wrote an article called “Your Lethal Injection Bill: A Fight To The Death Over An Expensive Yellow Jacket” which discusses the history of capital punishment and how it came to exist here in the United States. First, Great Britain decided to take over different lands and expand their country. This expansion influenced the colonies. The crimes punishable by death at that time were “murder, rape, adultery, burglary,
heresy and witchcraft” (Clermont 270). These were only a few of the “estimated 50 different crimes” punishable by death (Clermont 268). “The first ever recorded execution was in 1608 in Virginia, George Kendall was hanged for betraying the British to Spain” (Clermont 270).

Hangings such as Kendall’s were held in public until the government decided it was more efficient to make prisons, not only to house prisoners but to kill them. While prisons “emerged in the late 1700s and early 1800s” (Acker 170), to help quell the issue of the riots and angry people that would show up at the executions, some were still held in public up until 1936 (Austin 99).

Executions were popular until the 1960s but then in 1967 the Supreme Court ruled that capital punishment was "arbitrary and capricious” meaning that the States were no longer allowed to use capital punishment (Austin 99). However ten years later States reformed their policies to “meet the concerns of the Supreme Court” and Oklahoma became the first to embrace lethal injection (Austin 99). Since the ban was lifted 83% of inmates were put to death by lethal injection (Fulkerson and Suttmoeller 272). While Oklahoma was the first to use lethal injection 38 states now allow capital punishment and 37 of those states only allow lethal injection (Fulkerson and Suttmoeller 272). The 38th state, Tennessee, uses the electric chair (Fulkerson and Suttmoeller 272).

Ironically, I was able to find a news article in the local paper called “Experts Scurry After Botched Execution” which is about Oklahoma and lethal injection. Recently in the news the man mentioned earlier, Clayton Lockett, suffered during his execution. This caused an uproar and significant press coverage. Clayton Lockett, 38, had been convicted of shooting a women and then watching two others bury her alive. He was a four time convicted felon who when injected with the drugs suffered from supposed vein failure or an IV that had not been placed properly. He
was said to be unconscious after 10 minutes but then three minutes later he began to breathe again very heavily. He seemed to be clenching his teeth, writhing in pain and trying to lift his head. The day after the execution went wrong, attorneys of current death row inmates had a field day. Several requested new appeals saying lethal injection is dangerous and inhumane. Prisons claimed they can be trusted and this was a one-time fluke. They insisted they knew what they were doing. However the public insisted that prisons could not be trusted and needed more information on the process of lethal injection (“Experts Scurry after Botched Execution”).

I had heard news stories like this before but never paid much attention thinking it is just another protest and the media is fueling the fire. However once I picked up the story and read what had happened I was shocked. I was never one to think that prisoners did not deserve to be on death row quite the contrary I assumed the procedure of lethal injection is supposed to be humane and medical. However, nothing about this procedure seemed to be handled professionally or by medical personnel. The only medical personnel present was the coroner who declared Lockett dead.

My mind filled with questions but, the question is not did he deserve it because there are many people out there who agree that he did deserve to suffer. In the documentary “Inside Death Row” one women says “I believe that they should be executed the same way they killed that person” (Inside Death Row). While some would agree the laws about capital punishment cannot be ignored. Legally States are allowed to execute people however the Eighth Amendment can come in to play in situations like Lockett’s. The Supreme Court has ruled that criminal sentences that are “inhuman, outrageous, or shocking to the social conscience are cruel and unusual” (“Eighth Amendment”). No matter how “heinous the crime” States are forbidden to
punish any prisoner unjustly (“Eighth Amendment”). However the Supreme court does not specifically state what the distinct factors are for these “outrageous” sentences (“Eighth Amendment”). The Court also insists under the Eighth Amendment that there should be no execution that causes a lingering death. Lockett’s execution falls under ever one of these guidelines. While people argue that prisoners should suffer our constitution prohibits such things. In the end we do not want to seem like the criminals.

All this reading on botched executions and the Eight Amendment rights made me curious. I wanted to know what exactly qualifies as a botched execution. The definition of a botched execution is “An execution where there are unforeseen or unexpected problems” (Winright). Every time there is a botched execution the press seems to find out and makes sure it makes headlines. Because of this people started to ask questions and state legislators are thinking of bringing back other forms of execution. In 2007 the electric chair was used because people were in an uproar over lethal injection (Botched Executions). “Anytime you have a lethal injection that’s gone awry,” says Deborah Denno, a Fordham University law professor who has been studying lethal injection for 20 years, “it’s one more knot in the cord, one more indication that this is an incredibly troublesome procedure” (Sanburn 42). If this is the case States that allow execution may be violating the Eighth Amendment and executions will need to be halted.

With the “knots” forming on the basis of botched executions what do we know about the process? Lethal injection is a three drug cocktail dispensed through an IV (Sanburn 42). The three drug cocktail that consists of “sodium thiopental, a sedative; pancuronium bromide, a paralytic agent; and potassium chloride stops the heart and breathing” (Sanburn 42). At least the public is allowed to know what the original cocktail was. However over time it seems it is
possible it has been changed. Dr. Jay Chapman who was Oklahoma’s medical examiner, was the one who originally came up with the drug cocktail because he felt that we should not “kill our animals more humanely than people” (Sanburn 42). He explained that the combination was not difficult and it should work as long as the “dosages” were increased but this was never actually “medically tested” it was assumed that it was going to work (Sanburn 42).

However, in the 2000s some anesthesiologists started to think that maybe inmates were awake during the whole process (Sanburn 43). In fact David Labarsky who is an “anesthesiologist at the University of Miami” looked at the “records” of 49 people who were executed and found that 21 of them had possibly been conscious and even in “excruciating pain” when the last drug was injected (Sanburn 43). He said, “It wasn’t really unexpected, it was that nobody had ever bothered to look” (Labarsky qtd in Sanburn 43). These findings led to law suits focused on the fact that it was a very real possibility that the three drug protocol was violating the Eighth Amendment (Sanburn 43). While the cases made it to the Supreme Court, the court “upheld the legality of lethal injection” (Sanburn 43). Dr. Chapman points out that we do not put down our pets the same way that we are ‘putting down’ our own species. The Eighth Amendment does not talk about animals yet it seems that procedure follows it more closely than our own.

Anyone who has had a pet knows how hard it can be to bring them into and office knowing that it is going to be put down however for humans the process is much different. On the day before the execution medical personnel evaluate the prisoners physical health and the accessibility to the veins for the needles and IV (Kaufman-Osborn). Second they draw blood so they are able to see if there are any drugs in the prisoners system or any diseases that could potentially react with the drugs they will be administering (Kaufman-Osborn). On the day of the
execution the prisoner is taken by a “restraint team” to a holding cell that is near the death chamber (Kaufman-Osborn). The team inspects the equipment, inventories the chemicals, and does a practice run to make sure that nothing goes wrong (Kaufman-Osborn). All while the prisoner sits in a cell waiting and wondering if anyone on the other side of a one way mirror has a concern for their well being. At approximately six o’clock the prisoner will be lead into the death chamber and strapped to a gurney with three two inch straps, one around the legs, two on the arms and one around their chest (Kaufman-Osborn). After they are strapped down two catheter needles are inserted into their fore arms, then the IV tubes are attached (Kaufman-Osborn). Strapping the prisoner down and inserting the needles is completed by 5 correctional officers (Inside Death Row). Then the administrator waits for the signal from their superintendent and once it is received then the drugs are administered and the coroner comes in to pronounce death (Kaufman-Osborn).

With such precautions it would seem unlikely anything could go wrong however, the only medical personnel involved were the ones taking the blood. When execution day came there were none involved. Why? Because, medical associations “prohibit or strongly advise against” medical personnel being involved (Sanburn 43). Consequently that job falls to the corrections officer “few of whom have been trained as a physician” (Sanburn 43). The American Medical Association happens to be one of the largest associations to have threatened to “censure and possibly recall medical licenses” (Faulkerson and Suttmoeller 274). Since doctors have a code of conduct to help people not kill them, medical associations have decided that it is not their responsibility to help. But what if they are able to alleviate any suffering that these criminals may be going through? Part of a doctors job is to alleviate pain and suffering. While State regulations
allow participation of physicians, because of the threat of losing their licenses many physicians are hesitant to participate (Sawicki).

The only reason that lethal injection was adopted was because it seems “clinical, sanitary and is intended to agree with our eighth amendment rights” (Sawicki). These botched executions happen in part because the state is experimenting with certain drugs. If an anesthesiologist were to help oversee the drug use, it would be very simple to avoid the unnecessary suffering. There is currently a group called The Constitution Project which is determined to make sure that our rights are being upheld. The Constitution Project recommends, that the states “develop new protocols based on the most recent scientific findings” and should have the “input of recognized scientific experts” (Sawicki). Botched executions are not solely the fault of correctional officers. State legislators made the decision to use this formula with no knowledge if it would work as well as not seeking the advice of the medical community (Sawicki).

If State legislators had the drug medically tested, made sure that it was supported by the medical community and communicated with their business partners, maybe companies like Hospira would not have stopped supplying prisons with the proper chemical compounds. This European company was the only supplier. Once they figured out how American prisons were using the drugs they claimed prisons were “misusing” them (Botched Execution Shows…). Hospira has since refused to supply prisons with any additional chemicals required for lethal injection. Because of this prisons now have a problem with drug shortage. Not only have prisons been withholding information from the general public but also withholding it from their business partners. Now they have to turn to what they call compounding companies (Sanburn 43). These companies are not “regulated by the federal government and only lightly managed by the
States” (Sanburn 43). Therefore how can we possibly know prisons are getting the right drugs. Hospira was a well known company that supplied these drugs on a daily basis but these compounding companies are normally for pharmaceuticals (Sanburn 43).

To keep the compounding companies as suppliers States have had to start shielding the companies identities. In 2011 “Arkansas, Colorado, Georgia, Oklahoma and South Dakota” all decided to secure their suppliers identity (Sanburn 43). There are at least 7 known states that have received drugs from these companies or are planning to in the future (Sanburn 43). “Dr. Jonathan Groner a professor in “surgery at Ohio State University” said “There’s a lot of secrecy. It’s very hard to find out what they’re using and how they’re getting it” (Groner qtd in Sanburn 43). Now that Hospira has decided they will no longer supply these chemicals States are having to trade and barter. Some say they are “dipping into the Indian black market” (Botched Execution Shows…). Because of these drug accusations there are questions regarding the creditability of the officers and our State legislators (Botched Execution Shows…). Where are these drugs coming from?

The governor of Washington, Jay Inslee said “There are too many flaws in the system, and when the ultimate decision is death, there is too much at stake to accept an imperfect system” (Inslee qtd in Botched Executions Show…). If State legislators agree that the system is imperfect, isn't it time we as voters seek to elect legislators who will look into improving this flawed system? We cannot keep using a system that has shown time and time again that things can and do, go wrong. It is not acceptable that people are suffering due to States decisions to use alternative means to maintain lethal injection. Lethal injection is flawed and as voters we can help to improve the system. We need to take time and consider what a candidates stance is on the
Death penalty before we vote for them. If the secrets stay how do we trust the people we put into office? We cannot stand by knowing that people are suffering with every execution while legislators are hiding information vital to helping improve.
Works Cited


