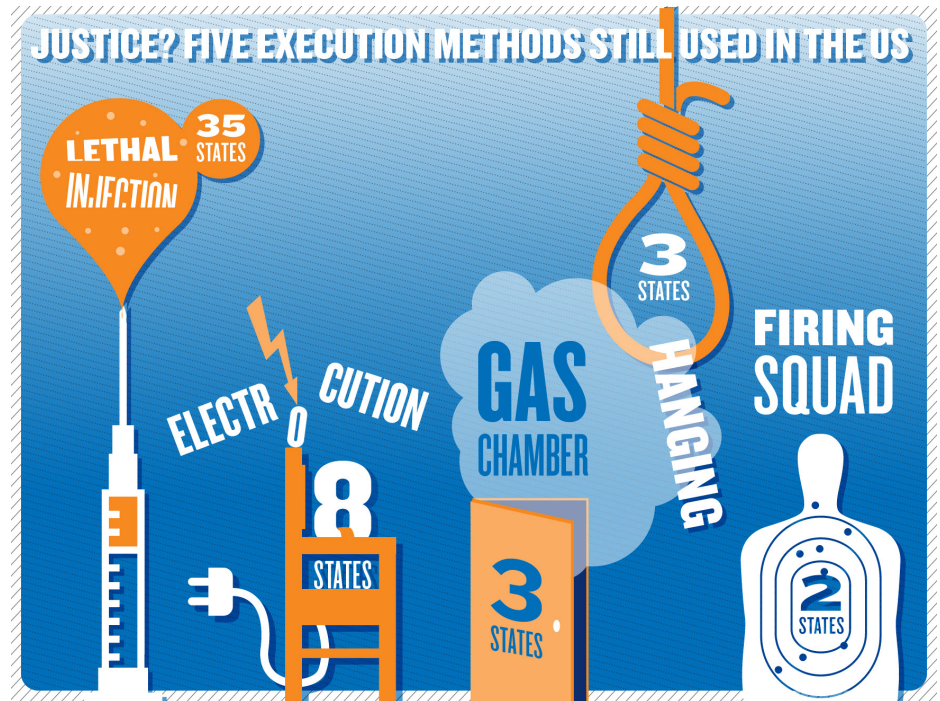


# Botched execution sparks death penalty debate

A convicted US murderer has suffered a painful death through prison incompetence. Many Americans still approve of capital punishment, but should the laws be changed given this mistake?



The death penalty in the US has always been controversial, and opposition has usually focused on concerns over biased, or unsafe convictions.

But after this week's events, it seems that the debate is no longer just about who gets executed and why, but how. On Tuesday night, Clayton Lockett, 38, a death row inmate in Oklahoma died of a heart attack, 43 minutes after a controversial cocktail of lethal drugs had failed to kill him.

The execution had been halted after 20 minutes when it became clear that a ruptured vein had prevented the drugs from working. According to eyewitnesses, he shook uncontrollably and appeared to be in acute pain.

For decades, US supporters of the death penalty have embraced the lethal injection as a convenient solution to a problem both legal and moral. The US Constitution safeguards citizens 'against cruel and unusual punishment', but because the

triple-drug cocktail renders a person unconscious before killing them, it is considered a humane form of execution.

But Lockett's combination of drugs had never been tried before. States find it increasingly difficult to obtain their usual drugs because the European Union has banned pharmaceutical firms from selling them. Faced with shortages, states have turned to compounding pharmacies – lightly regulated laboratories that mix up drugs to order.

Lockett's lawyers had demanded that officials reveal the companies supplying the drugs, in order to check their reliability. But the state argued that secrecy was necessary in order to protect the suppliers from legal action and harassment.

Yet some think Lockett's horrible crime still justifies the death penalty, even in these appalling circumstances. He was sentenced to death for shooting a 19-year-old woman in 1999. 'Considering

the method by which these people despatched their victims, it's perhaps a little too humane,' said one state medical examiner.

But is it time for a rethink?

## DEAD END

Some argue that the death penalty is expensive, ineffective as a deterrent, and as this latest news shows, unnecessarily cruel. Whether it is uncertainty over the guilt of the convicted, or uncertainty over the method of execution, it has been shown time and time again that capital punishment is barbaric and outdated.

But others are not so sure. The death penalty remains stubbornly popular and 55% of Americans still support it. Many believe it is the state's duty to provide justice; it was the family of Lockett's victim who requested that he receive the death penalty. If people commit terrible crimes, they deserve to die, and for some, even a painful death is justified.

## Q & A

### Q Do we have the death penalty in the UK?

**A** No. The 1965 Murder (Abolition of Death Penalty) Act abolished it. Yet after a particularly terrible murder, support for it usually surges, as in the wake of the 2003 Soham murders. It would be impossible for the UK to reinstate the death penalty, however,

unless it withdraws from the European Convention on Human Rights, which prohibits the death penalty under any circumstances.

### Q How does the lethal injection work?

**A** The first drug, in this case midazolam, shuts down the central nervous system, rendering the person unconscious. The second, vecuronium bromide, paralyses the muscles and stops the breathing. The

third, potassium chloride, then stops the heart. Experts say it is impossible to know how painful the experience is.

## SOME PEOPLE SAY...

*'No man should be put to death if he can be left to live without danger to society.'*

J.J. Rousseau

WHAT DO YOU THINK?

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### WORD WATCH

**US Constitution** – The supreme law of the United States. Its Eighth Amendment prohibits the government from imposing excessive fines or cruel and unusual punishments, including torture.

**Expensive** – The death penalty costs far more to the state than a

life sentence in prison because the Constitution requires a complex and lengthy judicial process before a person is sentenced to death, to be sure of a person's innocence. According to deathpenalty.org, the state of California has spent over \$4bn on capital punishment since it was reinstated in 1978. That's about \$308m for each of the 13 executions carried out.

**Uncertainty** – This week, research published by the University of Michigan showed that at least 4.1% of all defendants sentenced to death in the US in the modern era are innocent.

**Support** – According to the Pew Research Center, although this figure is down from 78% in 1996.



### YOU DECIDE

1. Can the death penalty be justified?
2. Do all forms of capital punishment constitute 'cruel and unusual' treatment? Or just when the intended procedure goes wrong?



### ACTIVITIES

1. In groups, devise two campaign slogans: one for the supporters of the death penalty, and one for its opponents.
2. Pretend you are Clayton Lockett's lawyer. Write a speech giving reasons why his execution was inhumane.



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### NOTES

