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Humane Execution: No Such Thing

The Eighth Amendment to the United States Constitution prohibits the government from inflicting cruel and unusual punishments on people convicted of crimes. Although many believe that the death penalty violates this amendment, courts in our country have consistently approved of capital punishment in a number of forms. The methods of execution have changed over the years in an ongoing search to find the most painless, humane way of executing a human being. This is an ideal that we have not yet reached, as the evolution of execution methods continues to this day. Although some argue that execution methods have become more humane over time, there is ample evidence to suggest that there is just no such thing as a humane execution.



The original method of capital punishment in America was hanging. By 1853, this method was used by almost every state that implemented the death penalty. However, by the late 1800s, the public started to become uncomfortable with hanging. As a result, in 1888, the electric chair was introduced as a new method that was thought to be as quick and painless as possible. In 1890, the U.S. Supreme Court validated this idea by finding that electrocution was a constitutional way to take the lives of condemned inmates. By the 1920s, over half the states that used capital punishment employed the electric chair.

As with hanging, though, death by electrocution proved to be less painless than originally thought. These problems led to the development of lethal gas as a method of execution. In 1921, Nevada became the first state to try lethal gas, which was expected to cause a tranquil death. Yet it too proved problematic, sometimes lasting for extended periods of and causing terrible pain.

These difficulties led to yet another development in capital punishment. In 1976, legislators in Oklahoma worked with that state's chief medical examiner to create a way to execute people through the injection of lethal drugs. By 2008, every single death penalty state had adopted lethal injection. This method involves a four-step process. First, intravenous lines are placed in peripheral sites in the inmate's body, such as the arms, hands, legs, or feet. Next, the inmate is anesthetized using a type of drug known as a barbiturate. Under the original method, all states used a barbiturate called sodium pentothal. After the inmate is completely anesthetized, the next step under this method is to administer a drug called pancuronium bromide, a chemical paralytic that immobilizes all muscles in the body and even prevents a person from breathing or blinking. The final step in this type of execution is the administration of potassium chloride, which quickly stops the inmate's heart, causing death.

For many years, this type of execution was thought to be completely painless and humane. In the early 2000s, however, it started to become apparent that this method, like all the rest, caused serious problems. In 2001, an Oklahoma execution did not proceed as planned. Witnesses to this execution noted that the prisoner's eyes had not closed and that he seemed to be gasping for air. In 2003 and 2006, similar scenes were reported during executions in North Carolina and Ohio.

Lawyers for these death row inmates found that there were a number of issues leading to these torturous executions. In some states, the written procedures used as guidelines for lethal injection made little sense and contained outdated language from old methods of execution. In at least two states, the doctor assisting with the execution admitted to making mistakes when mixing the drugs.

Furthermore, many of the personnel who set up the intravenous lines were not properly trained or qualified for that task. These issues caused problems with the administration of the drugs. As a result, some inmates were conscious to some degree during the administration of the pancuronium bromide, which causes suffocation, as well as the potassium chloride, which causes severe chemical burns. What is worse, execution personnel often failed even to notice that these issues had occurred during an execution.

In 2008, in a case called *Baze v. Rees*, the U.S. Supreme Court took up the question of whether these problems with lethal injection violate the Eighth Amendment. In a 7-2 vote, the Court found that lethal injection did not violate the Constitution. While not denying that serious problems had occurred in many executions, the Court determined that the risk of those problems occurring was not substantial enough to warrant judicial intervention.

Despite this apparent setback, those who believe lethal injection is a torturous method of execution continue to make progress toward a more humane approach. Over the past two years, a number of states have switched from the traditional three-drug method of execution to a one-drug method that uses only a massive anesthetic dose. Even with this change, however, many people question whether there can ever be a capital punishment that is truly neither cruel nor unusual.