

Executions in Alabama, Mississippi and Ohio

US states scramble to obtain lethal injection drugs

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Three US states have carried out executions this week using pentobarbital, a sedative often used to euthanize animals. The drug has come into use as state governments intent on continuing lethal injections have faced a shortage of sodium thiopental, the drug traditionally used in the deadly cocktails administered to condemned inmates.

Jason Oric Williams, 43, died at 6:19 p.m. Thursday at the Holman Correctional Facility in Atmore, Alabama. He was convicted in the 1992 murders of four people in Mobile County after a night of ingesting alcohol, LSD, prescription drugs and crack cocaine. Williams was the third person executed in Alabama this year.

Williams' attorneys had filed a petition in the Alabama Supreme Court May 2 to stay the execution because the state's Department of Corrections had failed to disclose accurate information about its new lethal injection procedure using pentobarbital, and had not provided assurances the execution would be administered in a constitutionally acceptable manner. On May 12, the state high court denied the motion, allowing the execution to proceed.

Rodney T. Gray, 38, was pronounced dead at 6:15 p.m. local time Tuesday at the state penitentiary in Parchman, Mississippi. He was convicted for the 1994 kidnapping, robbery and murder of an elderly woman. Gray maintained his innocence up to the time of his execution.

In documents filed with the Mississippi Supreme Court, Gray's attorneys had argued that their client's previous lawyer had failed to develop evidence of Gray's mental disability. The state Supreme Court rejected their motion, and the US Supreme Court rejected a last-minute appeal to stop the lethal injection.

Gray's execution is the second this month in Mississippi, following the lethal injection of Benny Joe Stevens, 52, on May 10. The state plans to execute 47-year-old Robert Simon, Jr. on May 24. The state has switched to the use of pentobarbital in their three-drug

lethal injection cocktail.

Also on Tuesday, Ohio executed 63-year-old Daniel Lee Bedford for the 1984 murder of his ex-girlfriend and her boyfriend in Cincinnati. Bedford's defense attorneys had argued for clemency, based on their client's dementia and mental retardation. A federal judge had granted Bedford a stay of execution on Monday, but this was lifted by the 6th Circuit Court of Appeals. The US Supreme Court rejected a final appeal on his behalf.

Bedford became the third inmate in Ohio, and the third in the nation, to be put to death using pentobarbital as a stand-alone drug, instead of as part of a three-drug protocol. A number of states switched to the drug after sodium thiopental became unavailable.

The only US maker of sodium thiopental, Hospira, began running short of the drug in the summer of 2010. It stopped making it altogether in January of this year when it moved its manufacturing facility to Italy, which forbade use of a drug produced there for executions.

Faced with a shortage of sodium thiopental, state officials sought alternative sources to keep the assembly line of death going, in some cases obtaining it overseas. States also shared their dwindling stocks of the drug.

The US Food and Drug Administration allowed states to bypass certain regulations so they could import sodium thiopental from Britain, where they reportedly obtained the drug from a company called Dream Pharma, which operated out of a driving school.

Tennessee paid \$1551 last October, most likely to an overseas source, for 30 grams of sodium thiopental, enough for six executions. Tennessee agreed to give Alabama enough of the drug to execute Jason Oric Williams, the man put to death last night, if they agreed to return the favor in the future.

A short time later, agents from the US Drug Enforcement Agency (DEA) seized lethal injection stashes from Alabama, Tennessee, Georgia and other states after lawyers argued that states had been illegally

importing sodium thiopental from overseas companies, and raised questions about whether sharing of the drug among states was legal.

In face of this situation, the state of Alabama adopted a lethal injection protocol utilizing pentobarbital, and executed Jason Williams by this method, despite the objections of the condemned prisoner's attorneys that the new method had not been properly tested.

In Georgia, state authorities are working to establish a new protocol utilizing pentobarbital. Once this is approved, it is expected that a new execution date could be set in as little as two weeks for Troy Anthony Davis, an African-American death row inmate whose case has gained international attention.

Davis, now 42, has been on death row for 19 years, having already faced three execution dates that were stayed at the last minute. Davis was convicted in the 1989 killing of a police officer. No physical evidence was presented at his trial, and seven of nine non-police witnesses have subsequently recanted their testimony. On March 28, the US Supreme Court failed to take up Troy Davis's appeal, opening the way for his execution.

So far this year, pentobarbital has been used in a total of 10 executions carried out in Oklahoma, Ohio, Texas, South Carolina, Mississippi and Alabama. Virginia also announced the switch to the drug this month.

In March, Texas authorities said they would begin using pentobarbital, and Cary Kerr was executed on May 3 utilizing a three-drug cocktail that included it. The state has nine executions scheduled so far for the rest of 2011.

A study by the American Civil Liberties Union and the Center of International Human Rights at Northwestern University School of Law condemned the Texas death penalty protocol, writing that in the state's system "the execution of human beings is riskier, less transparent, and has less oversight than the euthanasia of cats, dogs, birds, and lizards." (See "US Supreme Court issues temporary stay of Texas lethal injection")

Now the source of pentobarbital is also in question, as European suppliers object to its use in US executions. Danish pharmaceutical company Lundbeck produces the drug, which, in addition to its use in animal euthanasia, is used to treat seizures in humans. Lundbeck is the only manufacturer of pentobarbital for purchase in the US. Like the rest of the European Union, Denmark is officially opposed to the death penalty.

Globalpost quoted Lundbeck spokesperson Anders Schroll, who said, "This is a misuse of our product. We are in an ethical dilemma where we are opposed to the use

of our medication for capital punishment while at the same time we want to make sure that patients who benefit from our medication get access to it."

Lundbeck has sent letters to prisons in 11 states recently calling on them to stop using pentobarbital in lethal injections, but to date none has responded.

In what can only be described as a macabre scramble, the 37 US states that practice the death penalty are working feverishly to obtain the lethal drugs and perfect the protocols to utilize them to put people to death.

Any procedure that results in the purposeful, state-sanctioned killing of a human being is barbaric and is viewed as such by the vast majority of people and states in the industrialized world, where the practice is for the most part banned.

At present, the choice is between injecting three drugs or utilizing only one. In the three-drug protocol, first a sedative (either thiopental or pentobarbital) is supposed to put the prisoner into a comatose state. Then a second injection contains a paralyzing agent, pancuronium bromide, which causes suffocation and renders the prisoner immobile. Finally, a third injection, potassium chloride, induces a massive heart attack, causing death.

Opponents of the death penalty argue that if the sedative that is first injected is not administered properly, the prisoner can remain conscious and suffer intense pain when the other lethal drugs are administered.

Brandon Rhode, 31, was put to death in Georgia on September 27, 2010, utilizing sodium thiopental reportedly imported from Dream Pharma, the British company. The executed man's mother recently traveled to Britain to tell the story of what she describes as the agonizing death of her son.

According to a lethal-injection expert, Brandon's eyes remained open during his execution, an indication that the sedative had not worked properly. Patches Rhode pleaded with the British government to extend the emergency ban on the drug. US authorities had "not only killed Brandon, but tortured him," she said. "I beg [you] to keep this torture from happening to anyone else."



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