

Virginia bill shields companies producing lethal injection chemicals

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Earlier this month, the Virginia state Senate passed legislation in a 23-14 vote that would make secret “all information relating to the execution process.” This information would include the names of companies involved in producing, compounding, transporting and administering chemicals used in the state’s lethal injection protocol. The proposed state law is currently being reviewed by the state House and prepared for a vote.

The legislation would mandate that anyone “engaged to compound ... manufacture or supply the materials ... for use in [an] execution,” as well as “the name of the materials or components used to compound drug products for use in the execution,” would be exempt from all requirements that the state reveal their identities under the Freedom of Information Act. In addition, the bill would hide all “names, residential or office addresses, residential or office telephone numbers, and social security numbers” of individuals involved in the administering of the lethal drugs.

The bill is similar to a number of legislative motions that have passed across the country, including in Ohio, where early last year death row inmate Dennis McGuire writhed in agony for nearly a half hour before succumbing to the effects of an experimental drug concoction.

Although a self-proclaimed opponent of the death penalty, Virginia’s Democratic Governor Terry McAuliffe has been named as a “chief booster” of the bill, according to the *Washington Post*. Other supposed opponents of capital punishment have flocked to his side, demonstrating the complete lack of principled opposition to the death penalty within the political establishment.

Supporters of the legislation have attempted to present the action as a measure to ensure security for

companies doing business with the state. Department of Corrections spokesperson Lisa Kinney implied that such measures were being taken due to the possibility that manufacturers of the lethal chemicals were in jeopardy from the public, citing fears of “harassment, threats, or danger.”

“The death penalty exists in the commonwealth, and we’re merely trying to ensure that those sentenced to death are able to have the choice of lethal injection,” said Secretary of Public Safety Brian Moran. “I continue to believe the majority of Virginians support the death penalty,” he absurdly asserted, after having endorsed legislation that was enacted to protect executioners from public scrutiny.

Senate Minority leader Richard Saslaw, a Democrat, attempted to smear death penalty opponents by accusing them of engaging in a sadistic plot to make executions as painful as possible in order to bring more support to their movement. Claiming that it was in fact the opponents of capital punishment sought a return to the electric chair, he said their argument was that “if you make the death penalty too humane ... then people will think there’s nothing wrong with the death penalty.” He offered no evidence for this accusation.

The legislation comes as many states have had difficulty obtaining the drugs used to kill prisoners due in large part to a European Union ban on exporting drugs to be used in executions. Rather than ending the barbaric practice, states have sought out alternative methods, including untested drug combinations that often come from unregulated private sources, particularly compounding pharmacies that are only loosely regulated by state and federal authorities.

This has resulted in a number of grotesque execution scenes across the country, as inmates have been subjected to execution methods that violate the US

Eighth Amendment clause barring cruel and unusual punishment. Virginia is also considering a bill that would authorize the use of the electric chair in cases where the necessary drugs are unobtainable, in addition to the law shielding companies from public accountability.

In January of 2014, Ohio executed Dennis McGuire with an untested two-drug cocktail after failing to procure the standard three-drug combination. The result was a horrifying, 25-minute process in which McGuire went into convulsions and writhed in pain, shocking the witnesses and provoking international outrage.

Virginia was the site of the very first execution in the Colonial United States, and executed more people than any other state between 1608 and 1976, with a total of 1,277, according to the Death Penalty Information Center (DPIC). Since the reinstatement of capital punishment by the US Supreme Court in 1976, Virginia has executed 110 people, second only to Texas.

According to Virginians for Alternatives to the Death Penalty, the victims of Virginia's execution regime include more women, and the youngest prisoners, of any state. In one notorious 1998 case, a prosecutor successfully argued that DNA evidence that may have posthumously exonerated Joseph O'Dell should be destroyed, as he had already been executed and "it would be shouted from the rooftops that ... Virginia executed an innocent man."



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