

Alabama death row inmate's lawyer: "This was clearly a botched execution that can only be accurately described as torture"

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New details have emerged about the attempted execution of Alabama death row inmate Doyle Hamm last week. Hamm, 61, who has spent more than half of his life on death row, was subjected to about two-and-a-half hours of torture Thursday night in the Holman prison death chamber before prison officials called off the execution.

Hamm was convicted and sentenced to death in 1987 for the robbery-murder of Patrick Cunningham, a motel clerk in Cullman County.

"It was a gory, botched execution," said Bernard Harcourt, Hamm's longtime attorney, and a professor at Columbia University law school. "They gave up when they could not find a vein."

Harcourt had argued in appeals that because Hamm had cranial and lymphatic cancer and a history of drug use his veins could not support the lethal injection, and to attempt it would constitute cruel and unusual punishment, banned by the Eighth Amendment to the US Constitution.

The gruesome spectacle in Alabama's execution chamber was allowed to proceed after the US District Court in Birmingham prohibited the state from trying to access veins in Hamm's arms and hands and ordered officials to try his lower extremities. The Eleventh Circuit US Court of Appeals in Atlanta required the presence of a doctor and ultrasound equipment. The twisted practice of capital punishment often enlists the services of unscrupulous medical professionals and doctors, who are sworn to "First, do no harm" and save lives, to participate in state killings.

It was the US Supreme Court that finally gave the go-ahead for the execution. The high court granted a temporary stay just before the execution was scheduled

to begin at 6 p.m. local time. The stay was then vacated at approximately 8:40 p.m., over the joint dissent of Justices Ruth Bader Ginsburg and Sonia Sotomayor, and a separate dissent by Justice Stephen Breyer.

Ginsburg and Sotomayor wrote: "The District Court and Eleventh Circuit erroneously premised their rejection of Hamm's claims on novel understandings about how Hamm's execution would be carried out—understandings gleaned from a stipulation and an affidavit to which Hamm was given no opportunity to respond."

According to an account published on the Columbia Law School's website, immediately following the denial of stay by the Supreme Court, Hamm was taken into the execution chamber and strapped onto the gurney. Harcourt said two members of the IV execution team entered the chamber and began to work on Hamm below his knees, on both the left and right sides, simultaneously searching out peripheral venous access.

At one point, the IV team turned Hamm over onto his stomach, slapping his legs trying to find a vein. After repeated attempts they stated aloud that they could not "get anything." Other IV personnel next tried to gain central venous access by attempting to insert a catheter into Hamm's right groin, causing severe bleeding and pain, according to Harcourt.

"This went beyond ghoulish justice and cruel and unusual punishment," Harcourt was quoted by the website. "It was torture. It was precisely the kind of torture that the UN Human Rights Rapporteurs had warned about to the Governor of Alabama."

The execution was called off at about 11:27 p.m., when Jefferson Dunn, commissioner of the Alabama Department of Corrections, determined there was

insufficient time to begin the injection of the lethal injection drugs before Hamm's execution warrant expired at midnight. Dunn, however, insisted that it was simply a time issue, and the two-and-a-half hours of torturous prodding had not been "a problem."

Harcourt visited Hamm in prison on Friday afternoon. In an update posted on Sunday, Harcourt related:

"Just walked out of Holman Prison with Dr. Mark Heath after a two-plus hour physical examination of Doyle Hamm. Very quickly, Thursday night's execution was worse than anticipated. ... The IV personnel almost certainly punctured Doyle's bladder, because he was urinating blood for the next day. They may have hit his femoral artery as well, because suddenly there was a lot of blood gushing out. There were multiple puncture wounds on the ankles, calf, and right groin area, around a dozen.

"They were grinding a needle in his shin area for many minutes, painfully. He seems to have six puncture marks in his right groin, and large bruising and swelling in the groin. He has pain going from the lower abdomen to the upper thigh. He is limping badly now and terribly sore. During the execution, Doyle was lying there praying and hoping that they would succeed because of the pain, and collapsed when they took him off the gurney. The doctor working on his groin twice insisted he could continue and gain access after the execution was called off. This was clearly a botched execution that can only be accurately described as torture."

Doyle Hamm's execution-gone-wrong was one of three scheduled for Thursday evening. Florida put to death Eric Branch, 47, after the US Supreme Court failed to halt his execution. Before his execution, he denounced Florida Governor Rick Scott and Attorney General Pam Bondi. "Let them come down here and do it!" he yelled. As his lethal injection began, Branch repeatedly yelled, "Murderers!" as he violently thrashed on the gurney, according to the *Pensacola News Journal*.

In a rare occurrence for Texas, Governor Greg Abbott, a Republican, spared the life of Thomas "Bart" Whitaker just minutes before his execution was scheduled to begin. Whitaker's sentence was commuted to life in prison without the possibility of parole for the fatal shootings of his mother and brother in Houston. Whitaker's father, Kent, who was also shot

but survived, pleaded with the authorities to spare the life of his son, his last living relative.

There are at least 12 executions scheduled in the US for the remainder of 2018, according to the Death Penalty Information Center (DPIC), with four of these in Ohio. As of July 1, 2017, there were 2,817 prisoners on death row across the US, DPIC says, including 374 in Florida, 243 in Texas and 191 in Alabama. The attorney general of Tennessee, with an estimated 62 inmates, is trying to fast-track the execution of eight prisoners, who are not currently on the schedule, before June 1.

In April 2017, the state of Arkansas sought to execute eight death row inmates over the course of 11 days, before its supply of the sedative midazolam ran out. In the end, four of these executions were carried out, including one double-execution.



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