

Three death row prisoners executed over two days in the US

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Three men have been executed in the past two days in the US, one each in Texas, Arizona and Oklahoma. All died by lethal injection. From their convictions to their executions, the condemned men combined spent over a century on death row. This killing spree brings the number of death row inmates executed in 2022 to 16.

The cases of the three individuals being given the ultimate, irrevocable penalty bear all the hallmarks of capital punishment in America, in which questions of legality and humanity are jettisoned in the interest of retribution and barbarism.

The prisoners executed on Wednesday and Thursday raised numerous legal issues in their cases, including prosecutorial misconduct, ineffective counsel, racial discrimination and religious freedom.

A review of their cases exposes a criminal “justice” system that metes out the death penalty to society’s most vulnerable members. Some of the men suffered from serious mental illness or brain damage, were raised in conditions of poverty and abuse, or served in the military.

In each case, the US Supreme Court served as the ultimate authority, allowing the executions to proceed and doing so with no comment and no recorded dissent. The men’s appeals raising their legal concerns were rejected out of hand by the highest court in the land.

These individuals were sentenced to death for crimes that were brutal, involving the torture and deaths of children and murder-for-hire schemes. But the prosecution of their cases did not address what in society motivates such horrific crimes, nor did the authorities concern themselves with how such crimes might be avoided in the future in a society that glorifies violence, police brutality and war.

Rather, the aim is to exact revenge and there is no consideration of rehabilitation on the prisoner’s part. The state utilizes capital punishment despite its being demonstrated repeatedly that putting a man or woman to death does not serve as a deterrent to the commission of such crimes in the future.

Arizona

Murray Hooper, 76, was sentenced to death for the 1980 murders of Patrick Redmond and his mother-in-law Helen Phelps in Arizona. The prosecution alleged that Hooper and two codefendants were hired to kill Patrick in a plan to take over his graphic design business. He was convicted based in part on the testimony of government witnesses, who were provided by police with drugs, money and conjugal visits, a fact hidden until after the trial.

Hooper argued unsuccessfully that his death sentence should be overturned based on the prosecution’s use of prior convictions that were subsequently overturned for discriminatory jury selection and because his trial counsel presented no mitigating evidence at his sentencing hearing.

The 1980 crime was never analyzed using modern forensic methods, and his attorney’s requests for DNA and fingerprint testing of items found at the scene were rejected. Hooper has consistently maintained his innocence.

After the execution warrant was read, Hooper said, “It’s all been said. Let it be done,” and then told his attorneys, friends and family, “Don’t cry for me—don’t be sad.”

The Associated Press reported that it took more than 20 minutes from the time the execution team entered the chamber until they inserted IV lines in Hooper’s right leg and right forearm to administer the sedative pentobarbital. He was pronounced dead at 10:34 a.m., Wednesday, according to the Arizona Department of Corrections.

Texas

Stephen Barbee, 57, was convicted and sentenced to death in Texas for the 2005 suffocation deaths of his pregnant ex-girlfriend Lisa Underwood, 34, and her seven-year-old son. The two reportedly argued over Barbee’s refusal to leave his wife.

Barbee’s first execution date in 2019 was stopped by the Texas Court of Criminal Appeals to investigate whether it was a violation of his Sixth Amendment right to counsel when his trial attorney told the jury he was guilty, against his wishes.

He also presented newly discovered evidence to prove that his conviction rested on false forensic testimony by a coroner, who was subsequently suspended from performing autopsy examinations on homicide cases due to a pattern of errors and negligence.

On Monday, November 14, the Fifth Circuit Court of Appeals overturned an injunction that would have stayed Barbee’s execution on grounds of religious freedom over his right to have his religious adviser audibly pray and touch him in the execution chamber. In a brief, unsigned order with no public dissents the Supreme Court rejected a request from Barbee to postpone his execution, declining to reinstate the stay.

Barbee’s execution was prolonged while prison officials searched for a vein to inject into the disabled man’s body. According to court records, Barbee had severe joint deterioration that prohibited him from straightening his arms or laying them flat. It took longer than usual for the execution team to insert an IV into his right hand, and then an additional line in the left side of his neck, to inject the lethal chemicals.

Barbee was pronounced dead at 7:35 p.m. Wednesday, nearly an hour and a half after he was strapped into the death chamber’s gurney.

Oklahoma

Richard Fairchild was convicted of the 1993 killing of his girlfriend's three-year-old son Adam Broomhall. Prosecutors say Fairchild, an ex-Marine, held the child's body against a hot furnace, then threw him onto a table, after the boy wet the bed.

Fairchild's attorneys argued that he was represented at trial by incompetent counsel, who failed to present evidence of their client's severe childhood abuse and repeated traumatic brain injuries. His trial attorney was eventually suspended from practicing law because of substance abuse.

"As Richard Fairchild's brain has deteriorated, he has descended into psychosis, a fact well-documented in his prison records," one of the condemned man's attorneys said in a statement to the Oklahoma Pardon and Parole Board. "Yet despite having lost touch with reality, Richard remains remorseful for his crime and continues to have an unblemished record," she said.

The pardon board voted 4-1 in October against recommending clemency for Fairchild. Last-minute appeals were filed Wednesday with Oklahoma's Court of Appeals and with the US Supreme Court, which both denied these requests Thursday morning.

Fairchild began receiving the first of a three-drug lethal cocktail at 10:10 a.m. at the state penitentiary in McAlester and was declared dead at 10:24 a.m. Thursday, November 17, his 63rd birthday.

Alabama

One man set to be executed Thursday was granted a last-minute stay by a federal appeals court. Kenneth Smith, 57, was convicted of capital murder for his role in the 1988 murder-for-hire plot of Elizabeth Sennett, the wife of a local minister who had taken out an insurance policy on his wife so he could pay off his debts. Smith was recruited along with another man who were both paid \$1,000 to kill Sennett and make it look like a robbery.

Smith was convicted and sentenced to death for the murder, but the verdict was overturned, finding the state had made peremptory challenges to prospective jurors on the basis of their race. He was convicted again on retrial in 1996, but the jury voted 11-1 for a sentence of life in prison without the possibility of parole after hearing evidence about Smith's "character and life circumstances."

However, the judge overrode the jury's vote and sentenced Smith to death. Alabama repealed the portion of its death penalty statute in 2017 that allowed such overrides but did not apply this retroactively. A federal appeals court wrote in 2021, "If Smith's trial had occurred today, he would not be eligible for execution."

In his appeal before the Supreme Court, Smith argued that he was sentenced to death according to a practice that is no longer permitted anywhere in the country and would violate the Eighth Amendment's prohibition against cruel and unusual punishment. The high court rejected Smith's request for emergency relief on Wednesday.

Smith's lawyers pursued a series of last-minute appeals and were granted a last-minute stay by the federal appeals court. About two hours after the execution had been set to proceed, the 11th Circuit Court of Appeals granted a stay. It was still possible that the Supreme Court could rule further on the case.

The US and Kuwait

The three executions in America came in the same week that the emirate of Kuwait put seven people to death in a mass execution, despite appeals from human rights organizations for clemency.

The prisoners hanged on Wednesday were four Kuwaitis, a Pakistani, a Syrian and an Ethiopian. Two of the seven were women. Kuwait introduced the death penalty in the mid-1960s and since then has executed dozens of people, mainly those convicted of murder or drug trafficking.

Amnesty International called on Tuesday for the executions to be halted, calling them a "violation of the right to life and the ultimate cruel, inhuman and degrading punishment" and that Kuwait should abolish the death penalty "entirely."

Kuwait is a key ally of the United States in the Middle East, a partnership that intensified dramatically with the first US assault on Iraq in Operation Desert Storm in 1991 on the basis of an Iraqi invasion of Kuwait that the US itself had encouraged. The US maintains six military bases throughout the country. Like the US, Kuwait is one of the world's wealthiest nations and is also one of the most socially unequal. The US continues to provide military aid to the oil-rich emirate.

The executions this week in both the US and Kuwait were passed over with little comment by the US media. State killings are an accepted feature of American life by these ruling-class propagandists, who are quick to publicize every atrocity committed by Russia, alleged or real, in the US-NATO proxy war in Ukraine.

On January 28, 1853, Karl Marx wrote on the topic of capital punishment in response to the *Times of London*:

[I]t would be very difficult, if not altogether impossible, to establish any principle upon which the justice or expediency of capital punishment could be founded, in a society glorifying in its civilization. Punishment in general has been defended as a means either of ameliorating or of intimidating. Now what right have you to punish me for the amelioration or intimidation of others?

A ruling elite that continues to carry out state-sanctioned murders, a practice condemned by the vast majority of industrialized nations, glories not in its civilization but in killing. Class-conscious workers and youth opposed to the US prosecution of war must similarly reject this continued barbaric practice.



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