

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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## **Gov. White Condemns Botched Oklahoma Execution** *New report to address constitutional standards for lethal injection*

WASHINGTON, D.C. -- Mark White, former Texas governor and co-chair of The Constitution Project's Death Penalty Committee, offered the following comments in response to the failed execution of Clayton Lockett in Oklahoma on Tuesday night:

"Last night, we witnessed the latest -- and what, by all indications, appears to be the worst -- chapter thus far in the practice of human experimentation in the execution of prisoners by lethal injection. In the face of growing drug shortages due to manufacturers' refusal to permit use of their products to kill people, some state governments have started down a haphazard and dangerous path. They have begun to hastily attempt to execute prisoners with drugs never before used for that purpose, often with compounds obtained in secret from undisclosed sources, hoping through trial and error to hit on a method that might work. The botched execution of Clayton Lockett is the horrific, if sadly predictable, result. Americans may want tough justice, but most do not want to be cruel or inhumane in executing even the most heinous of criminals, and this was exactly that.

"Some death penalty supporters have complained that death row inmates are only using challenges to lethal injection as a stalling tactic to avoid execution. In fact, as last night's events so clearly and horribly revealed, the inmates are attempting to enforce their constitutional right against cruel and unusual punishment. In response, the courts, executive officials, and legislatures have been strangely silent or have even insisted on executions going forward without appropriate oversight and protections. That must end. To restore public confidence in our criminal justice system, and to ensure that the events of last evening are never again repeated, states should suspend lethal injections unless effective and transparent standards are in place to protect the constitutional rights of convicted prisoners."

Clayton Lockett, an Oklahoma death row inmate, died last night of a massive heart attack more than 40 minutes after state officials failed in an attempt to execute him by lethal injection. Observers indicate Lockett writhed and convulsed on the gurney, and cried out in apparent pain, before officials called off the execution because of procedural failure. The execution of a second convicted murderer, Charles F. Warner, also scheduled for last night, was postponed but only for two weeks. Oklahoma Governor Mary Fallin has promised a full review of the state's execution protocols.

The Constitution Project's [Death Penalty Committee](#) is scheduled to release a [comprehensive new](#)

[report](#) on capital punishment next Wednesday, May 7, in Washington, DC. The bipartisan blue ribbon panel of criminal justice system experts, including both death penalty supporters and opponents, will offer 39 recommendations to improve fairness in administration of capital punishment and to prevent execution of innocent individuals. Among its proposals are several addressing the use of lethal injection.

White served as governor of Texas from 1983 to 1987. During that time, he oversaw 19 executions.

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#### [About The Constitution Project](#)

*Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*