

THE CONSTITUTION PROJECT



Safeguarding Liberty, Justice & the Rule of Law

FOR IMMEDIATE RELEASE - July 24, 2014

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TCP: Transparency Needed Before Executions Continue

White: "Governments must not be permitted to conceal this ultimate act of government power from the light of day"

WASHINGTON, D.C. -- Yesterday, Joseph R. Wood III was pronounced dead after a nearly two-hour long execution by the State of Arizona. Media witnesses, some of whom have observed previous executions, reported that Wood gasped for air more than 600 times during the execution. The process was so prolonged that Wood's attorneys filed for a stay of execution in the midst of it, which was then rendered moot once Wood was pronounced dead.

Mark White, former Texas governor and co-chair of The Constitution Project's Death Penalty Committee, offered the following comments:

"This was the fourth reported botched execution of the year. And in each one of these cases, the government has concealed vital information concerning the source, safety, and efficacy of the drugs to be used in the execution, refused to reveal information concerning the training and skill of the personnel involved in carrying out the execution, while also using drugs never before used to kill humans. Meanwhile, the courts continue to look the other way.

"Our governments must not be permitted to conceal this ultimate act of government power from the light of day. Difficulty in obtaining drugs for executing people has led our state governments down a dangerous path -- a path which appears to have resulted in yet another preventable miscarriage of justice.

"Certainly the crimes for which each of these killers was convicted deserve punishment. But we are a country governed by a Constitution, which provides us both rights and responsibilities. One of these responsibilities is to ensure that no punishment is carried out in a cruel and unusual manner, regardless of the offenses committed by the offender. Our courts, legislatures, and leaders should not permit another execution to be carried out until transparency can be assured and a wholly independent review of what happened in Arizona is completed."

Arizona Governor Jan Brewer expressed concern about the "length of time for the administered drug protocol" to work, and has asked the Arizona Department of Corrections, the very entity that carried out the execution, to investigate.

At least four of the 26 executions performed this year have taken place under extraordinarily abnormal circumstances. In addition to Wood, the earlier executions of Clayton Lockett and Michael Wilson in Oklahoma and Dennis McGuire in Ohio all took place with similar problems reported, from prolonged deaths to the condemned moving, struggling or gasping for air during the execution itself.

White oversaw 19 executions while governor and continues to support application of the death penalty in certain instances.

On May 7, [The Constitution Project's Death Penalty Committee](#), a bipartisan blue-ribbon panel of criminal justice system experts, issued a comprehensive report on capital punishment. Entitled "[Irreversible Error](#)," the report addresses numerous systemic problems in the administration of the death penalty from the moment of arrest to the moment of death, including calling for jurisdictions to act with transparency and use only drugs obtained in compliance with all laws and approved by the FDA in carrying out lethal injection.

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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.