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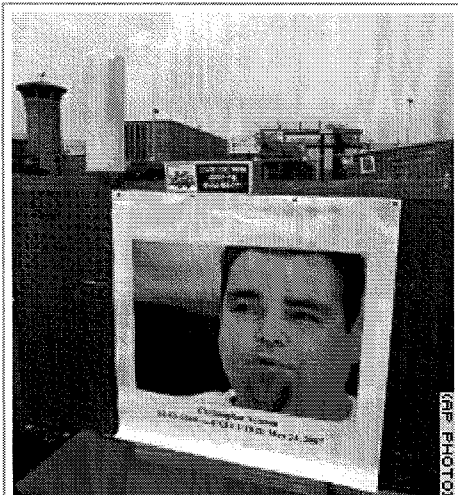
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# ACLU: Who's botching the executions?

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A photo of Christopher Newton is displayed outside the Ohio prison where he was executed. It took 90 minutes and 10 tries.

- Christopher Newton's execution lasted so long, he needed a bathroom break
- Other botched injections lead to fight over executioners' credentials
- ACLU, death penalty opponents say records should be open to public
- Others say executioners should be protected from harassment

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**COLUMBUS, Ohio (AP)** -- At Christopher Newton's execution by lethal injection last month, it took 90 minutes and at least 10 stabs of the needle for the execution team to find a vein. The procedure was so drawn out the staff paused to allow Newton a bathroom break.

The American Civil Liberties Union of Ohio responded with a wide-ranging request for state records, seeking, among other things, the names of the volunteer medics and guards who oversaw it. The request has drawn Ohio into a wider debate over whether executioners' identities should be kept secret.

Death penalty opponents say Newton's May 24 lethal injection was the latest in a series of botched executions nationwide, and that executioners' identities and professional credentials should be open to public scrutiny.

They point to the case of Dr. Alan Doerhoff, a participant in Missouri executions who was revealed in news reports to have been sued for malpractice more than 20 times. The state is no longer using his services.

They also point to the December execution of Florida inmate Angel Diaz, who took 34 minutes -- twice as long as usual -- to die. Executioners administered a rare second dose of lethal chemicals to Diaz, and an autopsy found the needles had been pushed through Diaz's veins into the flesh of his arms.

A commission created afterward to study the incident called for more training and better protocols for executioners.

Richard Dieter, executive director of the Washington, D.C.-based Death Penalty Information Center, which opposes the death penalty, said the public can't properly

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scrutinize the effectiveness of capital punishment without adequate information on those carrying it out.

what's this?

"Public executions should be as public as possible," he said. "They supposedly have nothing to hide, and as with anything government does, it benefits from more scrutiny. For medical personnel, yes, there may be a cost. But that's sort of like the cost that the state, or all of us, bear."

But death penalty advocates such as Michael Rushford, president of the Criminal Justice Legal Foundation in Sacramento, California, accuse capital punishment opponents of wanting to expose members of execution teams to intimidate them.

"The ACLU, which has staked out its turf as severely against the death penalty, will use this opportunity to out someone involved in an execution, and use it to put these people at risk," he said. "Unfortunately, that's how important their cause is to them."

Revealing the identities of doctors who take part in executions would expose them to sanctions by the American Medical Association, because it has said such doctors would be violating their oath to "first, do no harm," Rushford said.

Exposing them would shrink the pool of willing volunteers and diminish the state's ability to execute criminals, he said.

"They (the ACLU) were against the gas chamber 30 years ago -- they said there was only one humane alternative and that would be lethal injection," he said. "Now they're setting up this Catch-22, saying only a doctor can do that, and knowing the doctor's association won't let them do it."

Executions in North Carolina have been temporarily halted because of just such a hitch. State law had required that a doctor be present during an execution, but a federal judge said the doctor needed to actively monitor the inmate for pain. Doctors faced disciplinary action by the state medical board for doing so, however, which led to the halt.

Disputes are under way in Missouri and California over doctors' roles in executions, and while doctors don't currently participate in Ohio's execution process, that could change pending a court decision.

Most of the 37 death penalty states shield execution team members' identities. Last month, Missouri lawmakers approved a bill that would allow members of execution teams to sue anyone -- including news organizations -- who disclose their identities. It hasn't been signed into law.

Dieter said he believes protecting the identity of executioners helps anesthetize the public to what takes place in the death chamber.

"There is this distance that we want with the process," he said. "That's why lethal injection came about, sort of to give a more medicinal, antiseptic feel to it. Now it's backfired in that it's not working well."

But Rushford said executioners have a job that will naturally subject them to attacks and they deserve to be protected by government.

"The state should certainly monitor their background and training, but these people should be no more subject to ridicule than an abortion doctor who's simply doing his job," Rushford said.

"The law should come down hard on anyone who uses someone's legal profession to raise harm against them. It should be a hate crime."

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