

Stevens alters stance on lethal-injection methods

Orlando Sentinel, The (FL) - May 11, 2008

Author: The Associated Press

CHATTANOOGA, Tenn. -- Supreme Court Justice John Paul Stevens says the euthanized Kentucky Derby horse Eight Belles probably died more humanely than death-row prisoners do.

Stevens' comments Friday night came a month after he voted with a majority of the Supreme Court to approve the most widely used method of lethal injection, while saying for the first time that he now thinks the death penalty is unconstitutional.

According to the Chattanooga Times Free Press, Stevens told an audience of judges and lawyers that he checked into the procedure used to kill Eight Belles and was surprised to learn it is against the law in Kentucky to kill animals using one of the drugs in a three-drug lethal-injection cocktail that many states, including Kentucky, use to execute prisoners.

Stevens drew a round of applause for the comments to the 50 federal judges and more than 800 attorneys at a conference of the 6th U.S. Circuit Court of Appeals.

Eight Belles was euthanized after breaking both front ankles a quarter-mile after the finish at Churchill Downs on May 3.

In its 7-2 ruling last month, the Supreme Court turned back a challenge to the execution procedures in place in Kentucky, which employ three drugs to sedate, paralyze and kill inmates. Similar methods are used by three dozen states.

The argument against the three-drug protocol is that if the initial anesthetic does not take hold, the other two drugs can cause excruciating pain. One of those drugs, a paralytic, would render the prisoner unable to express discomfort.

In his opinion, Stevens suggested that states could spare themselves legal costs and delays in executions by eliminating the use of the paralytic.