“Where Justice and Mercy Meet combines solid moral reflections on the death penalty with captivating stories of people caught up in this system. Both deeply interesting and educational, this book should reach a wide diversity of readers.”

— Richard C. Dieter, Executive Director
Death Penalty Information Center
Washington, DC

“Schieber, Conway, and McCarthy have put together a true Catholic meditation on the death penalty. Their authors bring us into an immediate consideration of what the death penalty entails and shepherd us through a variety of considerations, including the evolving tradition of Catholicism that finally and inevitably brings us to oppose this form of punishment. What is most effective about this collection is just how mindful the editors are of the readers. They accompany us with introductions, narratives, testimonies, and questions such that we cannot eventually avoid the question about whether as Catholics we can in any way speak approvingly of this anti-life practice. A prophetic and necessary work for our time that will hopefully awaken us all to a very dark and hidden, and profoundly unchristian, practice. Well done!”

— James F. Keenan, SJ
Founders Professor in Theology
Boston College
Where Justice and Mercy Meet

Catholic Opposition to the Death Penalty

Edited by

Vicki Schieber, Trudy D. Conway,
and David Matzko McCarthy

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We dedicate this book to murder victim family members who focus on forgiveness and restorative justice in response to their deep loss and suffering. Your witness fills us with hope.
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Foreword

Sr. Helen Prejean

As a Catholic, is this, perhaps, the way you feel about this issue?

You have got to be kidding! You cannot be saying that the Catholic Church now teaches that the death penalty is a pro-life issue on some kind of equal par with the quintessential pro-life issue of all time—abortion? Unborn children are absolutely innocent. They have dignity because they’re coming straight from the hand of God, and they’re vulnerable and defenseless and deserve a chance to live. As a Catholic, to be pro-life has always meant being against abortion. In fact, the two concepts, pro-life and anti-abortion, are practically synonymous. But murderers are in no way innocent. They are guilty as sin of horrendous acts against innocent people. They completely lost their human dignity when they callously killed their fellow human beings. They broke the law and showed no respect for human life, and we must deal with them as justice demands. They have done vile, unspeakable acts, and acts have consequences. You kill others; you give up your own life. Murderers deserve to die, and the families of their victims deserve simple justice. Victims’ families are traumatized forever by murderers’ heinous deeds against their loved ones. Why should murderers be allowed to live when the victims’ families’ loved ones lie buried forever in the ground? What about respecting the dignity of victims’ families? I’m a practicing Catholic and pro-life to the core, and I say in good faith and a clean conscience that I believe in the death penalty. The Catholic Church has always taught, and continues to teach today, that those who murder and are a menace to society may be executed by the state. Protecting the lives of innocent citizens from callous murderers is pro-life, too. It is precisely because I am pro-life that I support the death penalty.
Welcome to the swirling waters of current Catholic discourse on the death penalty. Welcome to the pages of this amazing book. A unique endeavor, I must say, is this compendium of reflections created out of prayerful, faith-inspired discussions, research, courses, conferences, and conversations with authors like me by faculty and friends of Mount St. Mary’s University. I know of no other book quite like this one. It is a joint project, two years in the making, that comes from the minds and hearts of a small but mighty Catholic community. Glancing at the table of contents you’ll see that the death penalty issue is examined from every possible angle. In every essay, every chapter, you’ll discover information you never knew before. I promise you that. I’ve learned things from this book that I never knew before, and I’m steeped up to my earlobes in this issue. I eat it for breakfast, and often, before I fall asleep it’s the last of my waking thoughts. There’s plenty to learn and reflect on because putting people to death legally in a country, oftentimes with religious justifications and legitimacy, is, to put it mildly, a moral issue with many, many ramifications.

Never fear that these pages are a one-sided polemic, aimed only at upholding the perpetrator’s rights. The suffering of murder victims’ families and their search for healing also receive ample expression in these pages. Is it true that the only way grieving families can experience justice, healing, and “closure” is by the deaths of those who killed their loved ones? Well, prepare your soul for the testimony of Vicki Schieber, whose daughter was murdered, and whose words will be the last in this book. And rightfully so. A vibrant Catholic, Vicki is a mother who has suffered the loss of her child in the most wrenching, anguished way imaginable. But, with Christ’s healing grace, this valiant woman has come through the crucible of loss alive and believing and loving in the most generous way. It seems fitting and right that hers is the last voice we will have, ringing in our ears at the end of the book. And throughout the book you will learn Vicki is joined by other Catholics—like Marietta Jaeger and Antoinette Bosco—who respond to the murders of their family members in the spirit of the gospel.

What I love most about this book is that at its burning center is the most essential dialogue of all—the death penalty brought face-to-face with the Gospel of Jesus. As we confront the death penalty, this is the heart of the challenge for us Christians. The development of Catholic teaching that you’ll see etched out in these pages arises out of this dialogue. The living tradition of the church is always emerging out of the dialogue we Catholics engage in head-on with the suffering world. In the Catholic section of this precious little tome, you’ll hear about my personal dialogue with Pope John Paul II about the death penalty. Every word of my letter to him
was forged out of the personal experience of watching human beings put to death in the electric chair or by lethal injection. It clarified forever for me the essential meaning of the Gospel of Jesus, and I found myself saying to the Holy Father: “Walking with this man to his death, the essence of the Gospel of Jesus becomes very clear: what are you for? compassion or vengeance? love or hate? life or death?” There’s nothing like seeing the reality of state killing close-up to clarify what we really believe. All the political and cultural and legal rhetoric gets stripped away. That’s why in my books, Dead Man Walking and The Death of Innocents, I have included the subtitle An Eyewitness Account.

So, welcome to the journey of delving into this book. I suggest you gather in community—even if it’s just with two or three other people—as you descend into these pages. It traces a faith journey of the community of believers who wrote and compiled what you now hold in your hands, now waiting to be explored and prayed over by you. Who knows how you might emerge out of the other side of this journey? Do you believe in the Holy Spirit? I do. I believe the Holy Spirit guides us and nudges us (and sometimes drags us kicking and screaming) always toward greater and greater Life. Speaking of the Holy Spirit, this book does not necessarily need to be read in linear fashion, starting at the beginning and plowing through to the end (it might feel like plowing if you do that). Go immediately to the chapter that most attracts you, most draws you in, and start there. That’s mainly how the Spirit of Love moves us—through attraction. So, feel free to delve into the book as the Spirit moves you.

The Holy Spirit and I have been journeying together on the death penalty issue for twenty-five years or so—in the presence of the Catholic community, which means everything to me. I keep learning. With God’s grace, the energy keeps rising within me. It is with great joy that I collaborate with the faith community of Mount St. Mary’s in putting this book into your hands. May its words stir you to greater Life. That is my hope for you. That is my prayer for you. Come, let us journey together.
This book is a testament to a number of goods valued by its editors and authors, in particular the goods of community, collaboration, interdisciplinary inquiry, and service. Over the past fifteen years, Mount St. Mary’s University generously sponsored lectures, classes, conferences, projects, and seminars focusing on the issue of the death penalty. This focus is not surprising, for the Mount seeks to deepen students’ understanding of their faith as practiced in just and compassionate engagement with the world. Often people lose interest in issues over time; our community’s sustained interest in the topic of the death penalty speaks well of the Mount. The first death penalty speakers at the Mount were persons who cared deeply about this issue—relatives of murder victims who oppose the death penalty. The depth of their convictions and passionate work to end the death penalty made a lasting impression on our community and shaped our ongoing inquiry. Vicki Schieber, one of our editors, was one of our first speakers. Her stand against the death penalty in response to the tragic murder of her beloved daughter, Shannon, was a testament to her living the Gospel of Christ. Over the past decade, faculty, students, and speakers collaborated across disciplines in exploring the many facets of the current practice of the death penalty. We learned much from each other and for this, we are grateful.

In the summer of 2010, Karen Clifton, director of the Catholic Mobilizing Network to End the Use of the Death Penalty (CMN), and Vicki Schieber, one of its executive members, approached Trudy Conway, a member of the Mount’s philosophy department, about contributing to the educational outreach initiatives of CMN. Knowing the collaborative spirit and creative work of the Mount’s faculty, Trudy proposed that faculty work with David McCarthy of our theology department, Vicki Schieber, and herself in writing a book on Catholic teaching on the death penalty.
We also invited Christian Brugger, the author of *Capital Punishment and Roman Catholic Moral Tradition* and past participant in death penalty programming at the Mount, to join us in our work. Over the next two years, faculty from a range of disciplines participated in discussions with persons actively involved in repeal of the death penalty and ministry to death row inmates. We learned much from our discussions. The enthusiasm and insights of the authors throughout this project have been impressive. As active scholars and dedicated teachers, they sacrificed their time and effort in working with us on this project. We are deeply grateful to them for their excellent contributions to this book. They evidence the importance of collaborative, interdisciplinary inquiry distinctive of Catholic liberal arts education.

Sister Helen Prejean met with the editors and authors as the project began to take shape. Her keen insights guided the design of this book. She emphasized the importance of our inquiry taking off from the stark realities of the death penalty in the United States today and the role Catholic social teaching can play in bringing us to reflect on its moral dimensions. As discussed in chapter 4, Sr. Helen’s *Dead Man Walking* was a catalyst precipitating Americans’ caring about this issue. Based on her wise recommendation that we emphasize the human dimensions of the death penalty, we wove personal narratives throughout the book. Her guidance made this a better book.

On many levels this book is a testament to community. A faculty community shaped this book. A community of prison ministers influenced our reflections. A community of families of murder victims and condemned inmates brought us to understand the realities of the death penalty. A community of passionately committed abolitionists motivated our work. Because of the many relationships that shaped this work, our references to persons throughout the book use their first names. Our own collaborative work on the death penalty has been deeply enriched by what we have learned from these praiseworthy persons who do what Sr. Helen calls “soul-size work.”

This book was made possible through the collaborative work of a philosopher, theologian, and former sociology professor/business professional and current death penalty activist. We have worked on this project as we jostled—sometimes with stress, other times with laughter—our busy and rich lives devoted to family, teaching, scholarship, advocacy, and local community. We appreciate the patience of our spouses, children, and grandchildren as we focused on this work. With enthusiasm and passion
we worked on this worthwhile project and are always indebted to the support of two excellent secretaries, Katie Soter and Gloria Balsley.

The final chapter of this book refers to the “hopeful perseverance” of Dorothy Day. Teaching is definitely a vocation sustained by hope. We greatly appreciate the enthusiastic anticipation of this book expressed by our students. They are what drives, sustains, and makes joyful all our work. We look forward to having them join our conversations about this book. We hope it brings them and other readers to deepen their faith in its just and compassionate engagement with the world. We also hope our book furthers the good work of the Catholic Mobilizing Network to End the Use of the Death Penalty.

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Part I

The Death Penalty Today

This book focuses on the Catholic position on the death penalty, especially as it is practiced in our contemporary American society. The opening chapters bring us directly into the reality of the death penalty in the United States today. Although the number of executions has declined in the last decade and the current method of execution has run into complications, executions keep occurring. Yet they occur in the middle of the night in restricted, deep recesses of prisons with only select prison personnel participating and few witnesses observing. They often receive only passing acknowledgment in local papers. For the most part our lives go on without awareness of their occurrence. The chapters of part I raise our awareness. The first two chapters ask us to consider the realities of the current method of execution (i.e., lethal injection) and the company we keep in continuing to perform executions at a high rate compared to other countries in the world. The third chapter introduces us to the long and conflicted American debate about the death penalty and to the moral and legal concerns that have brought the courts to tinker endlessly with this practice. Most Americans are not aware of these debates or the intricacies of their arguments. But films, dramatic performances, and the stories of victims’ families have helped the public start to care and think about capital punishment. The fourth chapter explores the role of story: by showing the human faces of those affected by murder and the death penalty, the issue starts to matter to us.
Chapter 1

Facing the Truth

Editors

This opening chapter asks us to deal with what actually occurs in execution chambers across our country. Kim Hansen, a professor of sociology, strips away illusions, bringing us to face the realities of what American citizens ask prison officers to do in their names. Starting this book with executions is risky. If we show that methods of execution are inhumane, then many readers might say, “Good. Murderers should suffer at least as much or more than the victims of their brutality.” However, I, Vicki Schieber, can tell you that this claim is self-destructive. My daughter was raped and murdered in 1998, and still it is hard to write the words and remember the horror of it. My husband and I realized that seeking vengeance would not, as we were told, bring closure. Victims’ families who pursue the death sentence suffer from high rates of divorce, unemployment, and poor health, and most never gain the promised closure of the execution itself. Instead, my husband and I chose to honor our daughter’s memory through our work to abolish the death penalty. We have found capital punishment to be extremely arbitrary and biased, and often a threat to innocent individuals. When Shannon was murdered, we hardly knew what to think. We were devastated and wanted justice. We had a sense, however, that capital punishment was not right. Now, through our work against the death penalty, Shannon’s memory is hopeful and healing for the world. Capital punishment could not be, for us, an expression of Shannon’s intelligence, energy, love, and hope.

One of the other editors of this book, Trudy Conway, spent time between hope and hopelessness with a death row inmate as he awaited execution. Trudy will tell the story: I (Trudy) regularly visited a man who, all told, was on death row for twenty-two years. The time just before the execution is called the “deathwatch.” Two or three officers stay with the prisoner to prevent suicide and to begin the highly detailed execution
protocol. My attention was naturally focused on Vernon, the condemned man. I knew his worries about his grief-stricken family members, his faith-filled hope for a last-minute stay (which was granted at the last minute), his comfort to me as I lost hope, and his concern that he uphold his dignity as he endured the deathwatch. But in experiencing this deathwatch, I couldn’t avoid also thinking about the correction officers. They had come to know the person they were now preparing to kill—to kill as part of a job and often against their own wishes. Wardens and religious advisers take the final walk to death with the condemned inmate. They know most closely the realities that Kim Hansen will describe in this chapter and the toll they take on human souls. Some witnesses say a bit of oneself dies during an execution.

The chapter unmasks the truth about executions by lethal injection. We try hard to convince ourselves that this most technologically advanced, clean, efficient method of killing is civilized and humane. But as we strip away the illusions, moving beyond appearances to realities, we discover it shares many of the features of previous methods—hanging, death squad shooting, electrocution, and gas asphyxiation—now viewed as barbaric and uncivilized. Kim is convinced that if ordinary people knew what really happened at executions, support for the death penalty would decline further. He sets out to have us face what others directly witness.

In *Dead Man Walking*, Sr. Helen Prejean describes the first execution she witnessed. She waited with Patrick Sonnier at Louisiana State Penitentiary’s execution chamber in Angola. “A metal cap is placed on [Patrick’s] head and an electrode is screwed in at the top and connected to a wire that comes from a box behind the chair. An electrode is fastened to his leg. A strap placed around his chin holds his head tightly to the back of the chair. He grimaces. He cannot speak anymore. A grayish green cloth is placed over his head. . . . Only the warden remains in the room now, only the warden and the man strapped into the chair. . . . I hear three clanks as the switch is pulled with pauses in between. Nineteen hundred volts, then let the body cool, then five hundred volts, pause again, then nineteen hundred volts. ‘Christ, be with him, have mercy on him,’ I pray silently.”

In another state, Donald Cabana, warden of Mississippi State Penitentiary, witnessed his last execution, this time by a seemingly more humane method—death by gas asphyxiation. Like other wardens, his main concern centered on all going smoothly according to strict protocol, without anything going wrong. Supportive of the death penalty throughout his

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twenty-five years as a corrections officer, he began to question this ultimate punishment through the years of responsibility for overseeing it. In his book *Death at Midnight, the Confession of an Executioner*, he marked the execution of Connie Ray Stevens as a “personal moment of truth.” Cabana’s account makes us face the reality he faced.

“Let’s do it,” Donald emphatically announced. Then “the lever dropped with a thunderous noise, sending its deadly payload of cyanide into the chemicals beneath the chair. The EKG monitor fluctuated wildly, its beeping growing louder and louder. With Edward Johnson’s execution still fresh in my mind I knew only too well what to expect . . . [as] a cloud of poisonous gas began rising from the floor.” Donald had counseled Connie to take deep breaths to bring his death more swiftly. To his horror, Connie began to hold his breath, gripping the arms of the execution chair. Donald recognized this as the last act of a man desperate to live, even as he faced an inevitable death. Calling to God to make him breathe deeply, he witnessed the violent throes of his dying begin—his eyes rolling back into his head, a wild fear gripping his face, all his muscles straining, and his face twitching violently as liquids flowed from his mouth and eyes. After eight minutes as observers waited for the EKG machine to register his death, Connie’s body went rigid one last time, appearing to take one loud guttural last breath. Officers in protective garb and face masks began to wash his body down with a garden hose. As he left the execution scene, Donald Cabana knew he would never again do this. And he knew that the public had to face what it asks public servants to do in the secret recesses of execution chambers across this country.

As he reflected on the execution of this twenty-seven-year-old man he had come to know well, he found himself thinking how insane this execution was, how this young man’s life was worth saving, how they would be executing a man who no longer was the young, bitter, authority-defiant drug user arrested years ago, how he had accepted responsibility for his crime and posed no threat to his fellow inmates. His thoughts turned to the suffering of the victim and his family traceable to a young man’s selfish act of greed in a robbery. But he found himself questioning whether the execution of this frightened, lonely, and deeply remorseful man would ever eradicate their pain. He questioned how this sordid business of executions was supposed to be the great equalizer, the restorer of justice. Moral awareness begins with naming things as they are, and the death certificate

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3 Ibid., 188.
issued at executions clearly states the cause of death as “homicide.” But can a legal homicide equalize or rectify an illegal homicide? Convinced that we, as members of society, should raise ourselves higher than the acts of murderers, Donald Cabana refused to participate in any more executions using any method. He concluded that if the public continues to seek vengeance through executions, let us at least witness and face what we called him to do.

In *The Death of Innocents: An Eyewitness Account of Wrongful Executions*, Sr. Helen Prejean’s words hauntingly echo Donald Cabana’s: “Citizens would consider the death penalty even more shocking if they could see it close up. But the death penalty is designed to make sure that doesn’t happen.” Kim Hansen agrees that each of us needs to face the truth about executions, played out in the darkness of night to shield citizens from their awful realities. The following chapter forces us to see our American executions up close. Our further reflections on the death penalty have to begin with these stark realities.

**The Appearances and Realities of Lethal Injection**

*Kim Philip Hansen*

Executions don’t really look like executions anymore. If you were to witness a typical one, you wouldn’t see a gallows or a gas chamber, a firing squad or electric chair. Instead, you would see a bed or gurney, the kind they have in hospitals. The prisoner will be strapped to this bed, the way a mental patient might be strapped in to keep him from hurting himself. He’ll be covered with a clean white sheet up to his waist, almost as if he’s been tucked in. An intravenous (IV) line will be put into his arm by a nurse who wears white plastic gloves and swabs his arm with disinfectant first. It really looks like the nurse cares about the prisoner and wants to protect him from unnecessary embarrassment, pain, and infection. Maybe you’ll recall the last time a nurse stuck you in the arm. In fact, it looks a lot as if he’s there to give blood. There’s a machine in the room that monitors his heart rate. The beeping sound it makes strengthens the impression that you’re in a hospital. The nurse checks the IV line one last time, before someone behind a curtain presses a button that sends chemicals into the prisoner’s arm. He seems to fall asleep very quickly, and nothing much

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Facing the Truth

seems to have changed except the machine monitoring his heart. You remember that this wasn’t a hospital, but a prison, and that this was no medical treatment. The reason why you forgot that was that you were supposed to. Executions are made to look like medical procedures on purpose, because appearances matter.

We admire medicine in our culture. Doctors are respected in society and cast as heroes on TV. We grant them lots of authority—who else gets to see you naked or prick you with a needle? We marvel at the body of scientific knowledge they command, and associate science with things like progress and neutrality. We assume that doctors go into medicine because they want to help people, and look to them in our most vulnerable moments, hoping they will save our lives and the lives of those we love. If a doctor found a man lying in a bed, his veins full of poison, we know that doctor would try to save the man’s life, unless, of course, the doctor was participating in an execution.

Think about that for a second! When prisoners are executed by lethal injection, medical procedures and medical people are used to take life rather than save it. Why would we kill people in such a distorted way? The answer has to do with our culture’s denial of death. Before the United States modernized, most people lived on farms where animals were slaughtered all the time and almost everyone was born—and died—at home. Death was sad, but familiar. Now in the twenty-first century, we celebrate youth, dread growing old, and fear death. If doctors are usually heroes in our popular stories, the dead are usually angry and frightening villains: zombies, ghosts, and vampires.

In spite of that, we modern Americans like to think of ourselves as more rational, more humane, and more advanced than we were in the past—more civilized! In the process, we developed ever more “civilized” and “humane” methods of execution. Our Supreme Court, for example, has decided that executions can only be constitutional if they don’t violate the

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6 See Philippe Ariès, Western Attitudes toward Death: From the Middle Ages to the Present (Baltimore: Johns Hopkins University Press, 1974).

7 See Michael R. Leming and George D. Dickinson, Understanding Dying, Death, and Bereavement (Fort Worth: Harcourt Brace, 1940).

Eighth Amendment’s ban on punishments that are “cruel” or “unusual.” So we switched from hanging to shooting to electrocuting to gassing, each method supposedly less cruel than the previous one, and each with its own difficulties in practice. Lethal injection is simply the latest attempt to find a method of execution that looks humane and doesn’t upset witnesses.

The appearances of lethal injection are deceiving: it’s not a humane procedure at all. To understand why, it’s necessary to understand what it is that’s being injected into the prisoner. A typical execution uses three different drugs, injected one after the other. The first drug used is sodium thiopental. It’s an anesthetic that is supposed to make the prisoner unconscious. The second drug is pancuronium bromide (also called pavulon), which paralyzes the prisoner’s muscles. Among the muscles pancuronium bromide paralyzes are the ones used for breathing, so the prisoner begins to suffocate. It also paralyzes the facial muscles, arms, and legs. So if lethal injection looks painless, it is because the second drug makes it impossible for the prisoner to wince, writhe, or cry out. The third and last drug given is potassium chloride, which makes the prisoner’s heart stop beating.9

If everything goes according to procedure, the prisoner will theoretically be unconscious when the second two drugs are given, and will die quickly and without much pain. However, all kinds of things can and do go wrong. First of all, it can be hard to start a proper IV line. It can be tricky even with medical training and experience, and execution teams often lack both. Sometimes, the prisoner’s vein will collapse when the needle is inserted. Finding a good vein is harder than usual if the prisoner is overweight, cold, a former intravenous drug user, or nervous—and who wouldn’t be nervous at their own execution? Sometimes, the execution team will miss the vein entirely and inject into soft tissue, or they’ll inject so that the poisons run the wrong way in the vein. Even with a good vein, the IV line running from the syringe into the prisoner’s body may become pinched or clogged, or the vein may leak where the needle punctures it. One of the reasons this happens is that sodium thiopental comes in powder form and has to be mixed right before it’s injected. If it sits still too long, it can begin to sediment, turning solid again. It can take a long time and several attempts to get all this right.10

When a man named Christopher Newton was executed in Ohio, it took ten attempts and almost two hours to establish an IV line that could deliver the drugs. He was even offered a bathroom break during his own

10 Ibid.
execution! And ten attempts? Can you imagine a firing squad having to shoot ten times? Or someone dropping through the gallows ten times before he actually hangs? Newton’s wasn’t the only lethal injection that was botched. It took about 90 minutes to kill Joseph Clark, and afterwards a doctor told British journalists that he’d been “tortured with needles for 45 minutes” as the execution team tried to find a good vein.\(^{11}\)

Another concern is that the drugs may be used improperly. There are few guidelines about their exact doses and preparation, and the three drugs may mix with and dilute each other so that they don’t work properly. If the pancuronium bromide dilutes the sodium thiopental, then the prisoner won’t be unconscious and will feel the effects of the second two drugs. What would that be like? Pancuronium bromide stops your breathing, so it would feel just like being buried alive. Moreover, potassium chloride causes a burning feeling where it’s injected—in fact, foot-long chemical burns have been found in the arms of prisoners who have had it shot into them. Remember, this would still look painless because the pancuronium bromide makes it impossible to express pain. Because of this middle drug, it’s very hard to tell whether the prisoner is conscious and aware or not.

Contributing to problems with lethal injection is the often dubious expertise of the execution team. The very first lethal injection was botched when the warden in charge of executing Charles Brooks in Texas in 1982 mixed all three drugs together in the same syringe, which made them turn into a “thick, white sludge.”\(^{12}\) When one of the two doctors on hand checked on Brooks to pronounce death and found that he was still alive, he didn’t try to save him in accordance with the Hippocratic Oath, but advised the execution team to give the drugs more time to work.\(^{13}\)

The states of Missouri and California have also had serious problems. Although the medical specialty best trained to administer the drugs in the lethal injection cocktail and monitor the prisoner’s status are anesthesiologists, Missouri relied on a surgeon with more than twenty malpractice lawsuits against him who admitted to making many mistakes because he was dyslexic. He defended his participation by giving examples of how bad a job execution teams might do without his supervision, because they often had no medical training and wouldn’t have previously done any of

\(^{11}\) “What’s Wrong with Lethal Injection?” BBC (January 2008), www.bbc.co.uk/sn/tvradio/programmes/horizon/broadband/tx/executions/lethal_injection/.

\(^{12}\) Weil, “The Needle and the Damage Done.”

the necessary procedures. One Missouri execution team tried injecting the
drug cocktail into a prisoner’s thumb, another looked in a prisoner’s arm
for a vein that’s actually in the leg, and yet another execution team did
did their work in the dark by flashlight.14

According to the New York Times, a judge examining nine members of
California’s execution team in a state procedure review found that they in-
jected the cocktail into the prisoner from another room with poor lighting
and IV bags were hung so high it was impossible to see if the drugs were
flowing correctly. The team leader admitted he didn’t know how many
syringes to use in the procedure or how to tell how conscious the prisoner
was, and one of the nurses admitted she had not studied the guidelines she
soccer about how to mix the drugs because she just wanted to get her “job”
done and not have to “know about it.” Clearly, she didn’t care to reflect on
what she was really doing. The doctor who designed the three-drug injec-
tion protocol told the Times reporter that “it never occurred to me when
we set this up that we’d have complete idiots administering the drugs.”15

What these examples illustrate is that lethal injection is such a difficult
procedure and that it often causes excruciating pain. When Angel Diaz was
executed, he took thirty-four minutes to die and grimaced in pain for twenty-
six of them. His autopsy revealed an eleven-inch chemical burn on one arm
and a twelve-inch chemical burn on the other.16 The judge mentioned earlier
found out that six of the last eight prisoners killed in California could have
been conscious when their diaphragms were paralyzed, meaning they would
have felt like they were drowning—hardly a humane execution method—
without being able to thrash about or struggle against it.

Lethal injection can’t even be made to look humane unless physicians are
involved, and many states now require that a doctor be present. However,
the American Medical Association and almost all other medical profes-
sional associations, including those of nurses, have ethical codes that
prohibit their members from participating in executions.17 While medical
personnel can believe what they want about the death penalty as private
citizens, they cannot participate in them as medical practitioners without
violating their professions’ codes of ethics. Some of these codes are very

14 Ibid.
15 Weil, “The Needle and the Damage Done.”
death-penalty.
17 See John M. LeGraw and Michael A. Grodin’s “Health Professionals and Lethal
specific. The AMA prohibits its members from prescribing or preparing the drugs; choosing the injection site, starting the IV line, and injecting the cocktail; inspecting, testing, or doing maintenance on the equipment used; training or supervising the execution team; and monitoring the vital signs of the prisoner. Doctors aren’t allowed to declare the prisoner’s death, either, because if the prisoner is still alive they are professionally bound to try to save him, which would make for very awkward interactions with the execution team. The only thing a doctor is permitted to do is certify the prisoner’s death after someone else has declared it.18 The reason why the professional associations don’t want their members participating in executions is that they recognize lethal injection to be a perversion of medicine that is directly contrary to healing and saving lives.19

Medical professional associations also want to defend the collective reputation of their members. Past abuses of medicine, including experiments on racial minorities in our own country that lasted well into the 1970s and Nazi doctors assisting in state-sanctioned killings in Germany during World War II, tarnished their reputation and continue to remind professionals of their duty to be altruistic and serve their patients, not the state.20 As a result, medical personnel could get in trouble with their professional associations if they violate these codes. The American Public Health Association threatens sanctions against members that participate in executions. While the AMA doesn’t have the authority to revoke licenses to practice medicine (because these are issued by states, not the AMA), the Georgia State Medical Board has been sued for not punishing doctors who violated medical ethics by assisting in executions. Doctors can also lose the trust of their patients and the respect of their communities if they participate in executions. One of the doctors, whose state medical license was challenged, found a sign on his clinic door saying “the killer doctor.”21

It’s difficult to find doctors willing to kill. Recently, Ohio couldn’t find any, and when Missouri sent a letter to three hundred anesthesiologists

19 LeGraw and Grodin, “Health Professionals and Lethal Injection Execution.”
21 Gawande, “When Law and Ethics Collide.”
asking for help, the American Society of Anesthesiology sent a letter to its members warning them against volunteering. In California, two anesthesiologists who had volunteered backed out when they learned what exactly was expected of them, at which point a judge ruled that California’s execution protocol was unconstitutional. In North Carolina and Kentucky, too, executions have been delayed because officials got caught between the legal opinion that lethal injection is cruel and unusual without medical expertise and the principled refusal of health care professionals to violate their ethics.

It’s not just that doctors willing to kill are becoming harder to find, even when offered large sums of money. The drugs needed are also increasingly in short supply. Sodium thiopental was only made by one company in the United States, Hospira, which published a letter protesting its use in executions in 2010. In the end, pressure from activists, the fact that it counted for less than 1 percent of their sales, and trouble getting necessary ingredients from one of its own suppliers (also under pressure from activists) led them to stop making sodium thiopental in early 2011. That decision, combined with the fact that sodium thiopental expires so that existing supplies gradually become useless, has caused a serious shortage, which has delayed several executions.

The states that use capital punishment responded by trying to get the drug from overseas, but that strategy was met with instant resistance. For a while, Hospira made sodium thiopental in Italy, wanting to sell it for legitimate medical uses, but stopped because they were afraid their employees would be prosecuted because they couldn’t reassure the Italian government that it wouldn’t end up being used for executions in American prisons. In Germany, pharmaceutical companies have agreed with government officials not to sell sodium thiopental to the United States, and the British government has shut down supplies from companies under its jurisdiction. Some states then ordered pentobarbital from a Danish company, intending to use this drug in place of sodium thiopental even though the manufacturer, Lundbeck A/S, was marketing it as a treatment for epilepsy. When Lundbeck found out from activists what was happening, they first asked the states not to use their product that way, then started rejecting orders from states that have the death penalty, and then required buyers in other states to sign agreements not to redistribute the drug without Lundbeck’s approval. Unfortunately, they had already sold

\[22 \text{ Ibid.}\]
enough pentobarbital for dozens of executions, and eighteen people were killed using it by the middle of 2011.

What conclusions can we draw from this overview of lethal injection as an execution method? One is that the death penalty makes the United States look quite bad in the eyes of our friends and allies abroad. Another is that pressure on businesses can be very effective, so that there’s no reason to feel as if signing a petition or making a phone call is futile. More importantly, resistance to having killing dressed up professionally and administered by individual health care practitioners shows us the importance of taking ethical stands. But most important of all, we see that lethal injection is inherently cruel. It covers up the appearance of pain even as pain is being inflicted, so there is nothing “humane” about it. If ordinary people knew what really happened in an execution chamber, support for the death penalty would decline. If that wasn’t the case, there wouldn’t be a need to disguise it in the first place. You can make a big difference by simply educating your peers, friends, and families.

**Review and Looking Forward**

*Editors*

Sister Helen Prejean opens *The Death of Innocents* with the words of Jimmy Glass, executed by the State of Louisiana in 1987: “the truth arrives disguised, therein the sorrow lies” (iv). We all know how challenging it can be to face the truth at times. We all know how we manage to resist facing it—avoiding situations that get under our skin, acting as if they don’t concern or involve us, or distorting them so they seem more acceptable. Sister Helen often says, quoting Dorothy Day, that she seeks to comfort the afflicted and afflict the comfortable. Kim Hansen’s chapter leaves us uncomfortable, even deeply troubled. A number of years ago, I (Trudy Conway) had a troubling conversation. My daughter Sedira confronted me in our kitchen, saying that she couldn’t understand how I could oppose the death penalty, as I had as far as she could remember, and not do a thing to stop executions. She added that if all the people who opposed the death penalty *did* something about it, executions would cease sooner rather than later. She was right. Our government executes in our name with our tax dollars, so we have a responsibility to learn the truth about executions and respond based on our convictions. Ordinary citizens can’t simply let themselves off the hook by saying “what do I know; what difference can I make?” Dorothy Day, Servant of God, recognized that we
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build a just society little by little.\[23\] Dorothy is known for her service to the poor and as cofounder, during the Depression era, of the Catholic Worker Movement. In the Catholic Worker issue of September 1957, she wrote, “One of the greatest evils of the day is the sense of futility. Young people say, ‘What can one person do? What is the sense of our small effort?’ They cannot see that we can only lay one brick at a time, take one step at a time; we can be responsible only for the one action of the present moment.”\[24\]

Like the writings of Donald Cabana and Sr. Helen Prejean, Kim’s chapter brings us to face the truth about executions occurring across our nation. He ends his chapter by stating that each of us can make a big difference by simply educating our peers, friends, and families. In a similar way Sr. Helen ends The Death of Innocents with a page of additional resources, including avenues for learning more about upcoming executions; state, national, and worldwide abolitionist organizations; and murder victims’ family groups who oppose the death penalty. Addressing young people as they begin a journey with her into our courts and execution chambers, her preface expresses hope that such learning will impassion them—will set them on fire regarding this issue. We want to share this hope with our readers.

Questions for Discussion

1. In what important ways do you think execution by lethal injection is similar to and different from execution by hanging, death squad shooting, electrocution, and gas asphyxiation? Why do you think that we no longer use these former methods of execution? Why have we convinced ourselves that execution by lethal injection is more humane?

2. In his book Death Work: A Study of the Modern Execution Process (Wadsworth, 2005), Robert Johnson explores in great detail the ways we have executed people in the past and the way we do it now. He concludes the execution process today is “distinctly mechanical, impersonal and ultimately dehumanizing.” . . . The death penalty is, at bottom, a tragic social institution that matches the tragedy of

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\[23\] The title “Servant of God” designates that Dorothy Day’s “cause” to be declared a saint is underway in the Catholic Church.

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violent crime with a punishment that is itself tragic and violent. We minimize or ignore the death penalty at our peril” (xv). Discuss how you understand his claims and what you think of them.

3. If we could refine the process of lethal injection so as to eliminate all suffering, would such punishment become civilized and humane?