

# Idaho's experiment with death isn't your business

Marty Trillhaase/Lewiston Tribune

Let's hope the next man or woman Idaho executes by lethal injection doesn't end up like:

- Joseph R. Wood III, who gasped and snorted for almost two hours before Arizona prison officials pronounced him dead last July.
- Clayton Lockett, who spent 40 minutes last April flailing and clenching his teeth until Oklahoma prison authorities lowered the blinds to the witness room and called it off - only to have Lockett die of a heart attack.
- Michael Lee Wilson, who 20 seconds into his execution in January last year told Oklahoma prison officials: "I feel my whole body burning."
- Dennis McGuire, whose execution in an Ohio prison in January 2014 lasted 15 minutes.

But how will we know?

The fact of the matter is Idaho - and every other state still dispensing the ultimate penalty through a series of intravenous lines - is experimenting.

With foreign pharmaceutical companies refusing to sell them the drugs used in past executions, they've resorted to new chemicals - such as the sedative Midazolam, which was used in three of the four botched executions - and compound pharmacies.

What's a state agency that is nervous about its ability to pull off an execution to do?

You guessed it.

Pull down the shades.

Now pending before the Legislature is the Idaho Department of Correction's solution - a bill that would shroud more of the details surrounding the execution from public scrutiny.

Here's what correction officials don't want you to know:

Who was involved in the execution? That's standard practice and nobody has sought to expose people who are doing their duty - but the state agency wants that confidentiality enshrined in state law.

What types of chemicals it intends to use and/or the firms responsible for preparing those compounds?

In fact, that shroud of secrecy would apply to the "disclosure of such information [that] could jeopardize the department's ability to carry out an execution ... " Let your imagination run wild a moment.

Could that mean:

What it costs the taxpayer to put an inmate to death?

Whether the people involved have the proper credentials?

Who stops an execution if something goes wrong? Gov. C.L. (Butch) Otter? Department of Correction Director Kevin Kempf? The head of the medical team? And what guidelines do they follow?

And just to be sure, this huge blanket of concealment extends to those pesky people wearing judicial robes. Attorneys representing the condemned man or woman would be barred from getting answers through "discovery, subpoena or other means of legal compulsion."

So much for the inmate's constitutional rights to due process and protections from cruel and unusual punishment.

And the only reason the witnesses watching the process from a separate room see as much as they do is because the courts have demanded it.

Left to their devices, leaders of Idaho's prisons would have edited out the mechanics of death.

Leading up to the 2012 execution of Richard Albert Leavitt, then Correction Director Brent Reinke asserted a right to keep the blinds shuttered until the man had been led into the chamber, strapped down on a gurney and attached to IV lines.

When advocates of disclosure pointed out he was acting contrary to a decade-old federal court holding that the public was entitled to see the entire process, Reinke insisted he didn't have enough time to change procedures.

Then the 9th U.S. Circuit Court of Appeals stepped in and demanded Reinke follow the law.

With just three days to comply, Reinke suddenly found it possible to be accommodating.

Sen. Marv Hagedorn, R-Meridian - acting Senate Judiciary Committee chairman while Sen. Patti Anne Lodge, R-Huston, recuperates from surgery - has put the bill on hold. But Lodge could bring it back when she returns. Or Kempf could come up with a second version more to legislators' liking.

If you are distrustful of Big Brother's attitude toward your gun rights, your religious freedoms and your hard-earned tax dollars, why would you turn a blind eye when government decides to experiment with the death penalty - and doesn't want its decisions second-guessed?