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Capital punishment

Cause for a pause

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The Supreme Court agrees to examine executions by lethal injection

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FACED by a growing stream of contradictory rulings on the legality of executions by lethal injection, the Supreme Court on September 25th at last decided to review the issue itself. Abolitionists may have hoped that this would trigger a nationwide moratorium on lethal-injection executions, the preferred method in all but one of the 38 states that retain capital punishment. But not so. In Huntsville, Texas, within hours of the court's announcement, Michael Richard was put to death that way.

Texas, which has accounted for more than a third of America's 1,099 executions since the death penalty was reintroduced in 1976, was due to carry out another lethal-injection execution on September 27th—its 27th this year. Officials said the Supreme Court's announcement would not affect the state's execution docket. "We will go forward with our interpretation of the law," said Rick Perry, the Republican governor.

This is the first time the court has agreed to examine whether the lethal three-drug cocktail used by most states violates the constitutional ban on "cruel and unusual punishment". Injections were introduced in 1978 as a supposedly more humane alternative to other forms of capital punishment—hanging, firing squad, electrocution and the gas chamber.

But far from being a reliable and painless form of death, they are frequently botched, opponents claim, and can cause excruciating pain. Even before the Supreme Court's decision, ten states had suspended executions while awaiting a definitive ruling on the issue. Now an eleventh, Kentucky, can be added, since it is the defendant in the appeal by two prisoners on Kentucky's death row, Ralph Baze and Thomas Bowling, which the court has agreed to hear. Another two states, New York and Illinois, had already imposed moratoriums for different reasons.

America, along with Japan, India, South Korea and Taiwan, is one of just a handful of democracies that retain capital punishment. But rates have begun to come down. Over the past eight years the annual total has fallen by almost half, from a peak of 98 in 1999 to 53 last year and 42 so far this year. At the same time the number of death sentences actually imposed has fallen by nearly two-thirds, while the number of inmates on death row has also begun to decline.



Baze, hoping