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Public comments on Calif lethal injection proposal

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More than 100 speakers lined up Tuesday for their chance to weigh in on California's new proposed rules for executing condemned inmates at a state hearing that quickly morphed into a debate over the morality and practicality of capital punishment.

George Husaruk and his wife drove two-and-half hours from their home near Willits to argue that California can no longer afford the death penalty.

"We need to use the money for education," the middle-school teacher said during a daylong meeting convened by the Department of Corrections and Rehabilitation to take public comment on its proposed lethal injection procedures. The agency received more than 5,000 written comments in the last two months on the 42-page draft by prison officials, who were ordered by a federal court in 2006 to revise their plan.

Though the audience was warned to keep its comments focused on the proposal itself, the hearing soon expanded into a wider death penalty discussion. Most speakers signed up to address the issue Tuesday morning opposed the death penalty.

Outside the hearing room, Father George Horan, a Catholic priest from Los Angeles, argued heatedly with death penalty advocate Howard Garber over whether life in prison without parole is a just sentence for heinous killers.

Many abolitionists have seized on the high cost of implementing the death penalty during California's dire fiscal crisis. A report released last year by a commission created by the state Senate concluded that it will cost the state at least an additional \$137 million a year to support the death penalty rather than make the maximum sentence life in prison without parole.

Garber and other death penalty supporters blame the lengthy appeal process for the condemned for the high costs. "Ninety percent of the appeals aren't contesting guilt," Garber said outside the hearing.

After Tuesday, the state will have up to a year to assess the comments and edit the proposed

procedures before they become official regulations. Only then will they be presented to U.S. District Court Judge Jeremy Fogel, who has suspended executions in California until prison officials fix the deficiencies he identified in the lethal injection process.

In 2006, Fogel halted executions until officials expanded the death chamber at San Quentin prison and provided more executioner training and other upgrades to ensure the condemned do not suffer cruel and unusual punishment.

The state has since constructed a new death chamber and the proposed new regulations require execution team members to undergo monthly mock executions. The rules would require three syringes, each filled with different drugs, to be administered by staff licensed to give injections in California. A physician must be on hand to declare death.

At least 10 death row inmates complained in writing that they have not received copies of the new regulations.

Among the issues brought up at Tuesday's hearing, religious groups complained that a proposal requiring a chaplain to send a written report to prison officials discussing the mental state of a condemned inmate violates the confidentiality promises implied by clergy.

The proposed regulations also don't discuss how women will be executed, said Gloria Killian, who was released from California prison in 2002 after serving 16 years for a murder she didn't commit. There are currently 15 female inmates on death row.

"Where will they be housed in an all-male prison?" Killian asked. "Women deal with emotion, trauma and other events differently than men do."

Even if the state's proposal passes legal muster, it would take at least a year to reinstate the death penalty.

Whatever is decided in California, which has the nation's largest death row at 680 condemned inmates, is expected to shape how other states carry out executions.

Since the U.S. Supreme Court signed off on Kentucky's lethal injection process last year and lifted a brief nationwide moratorium, the federal government and 36 states that employ the execution method have experienced varying degrees of success in restarting capital punishment.

Maryland has embarked on a public comment process like California's. A federal judge has ordered a halt to executions in Missouri. And other states such as Texas have carried out a combined 68 lethal injection executions since the Supreme Court's ruling in 2008.

Michael Rushford, president of the death penalty advocates Criminal Justice Legal Foundation in Sacramento, said he is confident that California also will resume executions, partly because the state's

protocols are more detailed than the Kentucky procedures approved by the U.S. Supreme Court.

For the mother of a death row victim, the wait for his execution has been too long.

"There has been too much 'red tape,' paperwork, and time lost in this matter," Barbara Christian, the mother of the murdered teen Terri Winchell, wrote in an e-mail. "Other victims such as I are grieving and waiting for justice for their loved ones. We are the ones bearing the brunt of this fiasco. The lethal injection is humane with no pain. Let's get on with it."

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