



## A MORAL MAJORITY

*With shifting attitudes among soul-searching Republicans, a new day in the crusade against the death penalty may be dawning*



On April 29, 2014, 15 years after Clayton Lockett shot 19-year-old Stephanie Neiman and buried her alive in a shallow grave, the unrepentant killer's own life reached its end, as ordered by the state of Oklahoma. But Lockett's execution, far from the sanitized, clinical image of death we associate with lethal injection, was a botched, bloody mess.

At 6:33 *pm.*, 10 minutes after the first of three drugs was administered, Lockett

lost consciousness. The procedure quickly took a turn for the horrifying. Testimony revealed that Lockett experienced vein failure at the site of injection and that the drugs meant to kill him were only partially absorbed, inducing a state of torturous, half-conscious pain until he finally died at 7:06 *pm.*

For those 33 minutes, witnesses attest, Lockett repeatedly raised his head and shoulders from the gurney, jerking and moaning as the drugs slowly entered his body tissue. The supervising doctor pricked him 16 times with a needle in an effort to correct the mistake, slicing an artery in his groin, from which blood squirted. "It was like a horror movie," one witness told *The Guardian*.

"He kept trying to talk."

Death penalty opponents such as Colby Coash point to executions like Lockett's as ample reason to abolish the practice, but not because of its cruelty. Coash, a pro-life conservative Nebraska state senator, argues that the death penalty is a quintessential big government program, inefficient and antithetical to conservative values.

Coash won his first election eight years ago by just 79 votes, promising in his campaign to be a good steward of the state's resources. Last May a death penalty repeal bill—sponsored by Ernie Chambers, an independent state senator who has pushed similar legislation in every

session he's served in since 1976—finally passed. It was a feat that would have been impossible without Coash's efforts to rally his conservative peers

and convince seven freshman Republicans of the penalty's inherently anticonservative nature. Nebraska became the seventh state to outlaw the death penalty since 2007 and the first conservative state to do so in 40 years. (The repeal

is now on hold, after a signature campaign forced the bill to a statewide vote to be held this November.)

Their victory may reflect a larger shift in attitudes surrounding execution. Although a majority of Americans continue to support capital punishment, that support is at its lowest in 40 years, and a majority also favor nonlethal options such as life imprisonment when offered the choice. A Pew poll found a 10 percent decrease in support among conservatives over the past two decades, with half the decline taking place in the past year.

Liberals have long argued against the death penalty by citing statistics that show it has failed to reduce the homici-

***"This is the same government we don't trust to deliver the mail or roll out a health care website."***

cide rate and that it places the U.S. in the unsavory company of such countries as Iran, Yemen and North Korea. Such logic holds little sway with law-and-order conservatives, who are more likely to respond to arguments that play to deeply held conservative ideals—namely, the economic: A life sentence is tens of millions of dollars cheaper than an execution. The difference begins at trial, where death penalty cases can cost up to 10 times those seeking life imprisonment. Even housing a death-row inmate is exorbitant; in California it costs an additional \$100,000 each year.

In that state, more condemned inmates die of old age and suicide than from execution. And before last May, Nebraska had executed just three people in the past 40 years, though not for lack of trying. In 2008, Nebraska's Supreme Court ruled that death by electric chair constituted cruel and unusual punishment. Despite

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a switch to lethal injection the following year, efforts by states nationwide to execute inmates failed for the same reason: Obtaining the requisite drugs had become a nightmare thanks to a 2011 EU embargo on exporting and a 2013 FDA ban on importing sodium thiopental, an obsolete anesthetic required for the most effective execution cocktail. Alternate cocktails produce gruesome, protracted deaths similar to that suffered by Lockett.

The long appeals process in death penalty cases—15.5

**“If the state gives a sentence it cannot carry out, how is that justice for the families?”**

years on average between conviction and execution, according to the U.S. Department of Justice—is also grueling to those closest to victims. “If the state gives a sentence it cannot carry out, how is that justice for the families?” asks Coash. Dozens of victims’ families lobbied alongside him for repeal, emphasizing that instead of healing their pain, the death penalty exacerbates it by dragging them through a lengthy, traumatizing routine that rarely ends as promised.

These arguments and more have propelled conservatives nationwide to take up campaigns for repeal. In October, a Montana judge blocked all lethal injections in the state. Last year, Republicans sponsored repeal bills in Missouri, Kansas, South Dakota, Kentucky and Wyoming. A growing number of right-wing voices have joined the



Coash takes “specific” and “small government” stances.

opposition chorus, including Jay Sekulow, Ramesh Ponnuru, Ron Paul, Bill O’Reilly and Oliver North. And Conservatives Concerned About the Death Penalty, a network of tight-leasing legislators and activists, has been campaigning since 2013 on a platform that emphasizes capital punishment’s cost, incessant delays and government ineptitude. While CCADP focuses on repealing the death penalty state by state, it is now a staple at the Conservative Political Action Conference, the annual gathering of conservative activists in Washington, D.C. that attracts big name Republicans from around the country.

Nonetheless, 77 percent of conservatives still support capital punishment; some red states have even doubled down on their support. The difficulty of obtaining sodium thiopental prompted legislators in Arkansas and Utah to propose death by firing squad instead (a common, if hyperbolic, threat). Yet death penalty critic Marc Hyden, advocacy coordinator for the CCADP, is not discouraged. After mishandled executions like Lockett’s, he believes the institution will collapse under the weight of its own inefficiency. After all, he says, “this is the same government we don’t trust to deliver the mail or roll out a health care website.” He has a fair point. ■



## GENDER POLITICS

*To survive, libertarianism must become more than a free-market frat house*

**T**he stadium was a sausage fest. This wouldn’t have been notable on any other Sunday at the Tampa Sun Dome, where the University of Southern Florida Bulls play. Trouble was, this wasn’t a basketball game but a few for the 77-year-old standard

bearer of a long-struggling political movement: Ron Paul. That triumphant gathering of 10,000 libertarians in August 2012 was alive with a sense that their oft-dismissed ideas were finally hitting it big.

After all, Paul had enjoyed an impressive second-place finish in the GOP delegate hunt. The Republican nominee, Mitt Romney, had already announced his running mate as Representative Paul Ryan of Wisconsin, an Ayn Rand devotee whose selection libertarians felt was a nod their way. More promising, Ron Paul’s son Rand was a freshman U.S. senator with overwhelming buzz as potential presidential timber

## A SURPRISING LOOK AT A DYING PRACTICE

