



Editorial, 12/2: Don't cloak executions in secrecy

By the Journal Star editorial board
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About six out of every 10 Nebraskans who voted in November wanted state government to continue to try to implement the death penalty.

So it's no surprise that Gov. Pete Ricketts has taken a step toward that end.

It's disappointing that the administration wants to make some parts of the execution process secret.

The Journal Star editorial board, we should quickly acknowledge, was among the four in 10 Nebraskans (and the majority of Lancaster County voters) who favored replacing the death penalty with a sentence of life in prison.

We continue to think that it's a sad day for justice in Nebraska that the death penalty is back on the books despite the irrefutable evidence that innocent people sometimes are put on death row and that the death penalty is applied arbitrarily.

The immediate question, however, is how the death penalty will be implemented now that voters have spoken.

The state of Nebraska has never executed a person using lethal injection. The last person executed here died in the electric chair, which was ruled cruel and unusual punishment by the Nebraska Supreme Court.

The previous system proved to be unworkable. One of the three drugs it specified –sodium thiopental – can no longer be purchased for executions in the United States.

Now the Ricketts administration is trying to devise a new system.

There's no quick fix for the process. A drug now commonly used for executions is pentobarbital. But the only injectable form of the drug licensed for sale in the United States is Nembutal, made by the Danish firm of Lunbeck, which refuses to sell it to prisons. The firm said in a statement in 2011 that it "adamantly opposes the distressing misuse of our product in capital punishment."

States, like Texas, use pentobarbital made in a "compounding pharmacy."

The proposed new protocol would keep secret the source of the execution drugs, although Attorney General Doug Peterson has pointed out that it could be supplied "internally" by state government, which has pharmacists on its payroll.

The execution drug and a chemical analysis would be made public 60 days prior to an execution, according to the protocol that will be the subject of a public hearing on Dec. 30 from 9 a.m. to 2 p.m. in the State Office Building.

The ACLU of Nebraska has already promised to fight in court the Ricketts administration to keep part of the execution process secret from the public. "Regardless of how people feel about the death penalty, we should all agree that Nebraskans value government transparency and accountability in all matters, said Executive Director Danielle Conrad. She's right.