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Decision on death

**THE ISSUE** The Alabama Supreme Court gave its seal of approval to the state's lethal injection procedures.

Alabama's Supreme Court signed off last week on the state's new lethal injection procedures, which are designed to ensure an inmate is unconscious before getting drugs that induce paralysis and stop the heart.

The court rejected the appeal of a condemned prisoner who had claimed, in part, that lethal injection would subject him to "an unnecessary risk of agonizing pain."

In ruling against Rick Allen Belisle, judges pointed to the U.S. Supreme Court's recent decision upholding Kentucky's lethal injection protocol and to Alabama's recent effort to make its procedures even safer for inmates.

Before the Kentucky ruling, recall, lethal injection was creating a big legal stir across the country because of concerns that inmates could be conscious as they suffered a paralyzing, suffocating death. In an abundance of caution, Alabama added steps to try to make doubly sure inmates were unconscious before getting drugs that courts have agreed would otherwise result in a "terrifying, excruciating death."

Those new steps in Alabama's execution process include calling the inmate's name, brushing his eyelashes and pinching his arm to make sure he is really unconscious. Only after those steps are drugs given to paralyze the inmate and stop his heart.

In ruling that Alabama's method of execution doesn't violate the U.S. Constitution's ban on cruel and unusual punishment, the state Supreme Court in a sense gave its stamp of approval to the new procedures - which, all things considered, probably are an improvement.

But there is still much that is wrong with Alabama's death penalty, serious shortcomings that, unfortunately, there's been no serious attempt to fix.

These shortcomings include insufficient efforts to make sure innocent people aren't executed, to make sure those facing the ultimate punishment have a competent legal defense and to make sure the penalty is applied fairly.

As it stands, the death penalty is imposed arbitrarily, almost randomly, and not necessarily with any regard to the viciousness of the crime. What should be irrelevant factors, such as the race of the victim, plays a role. So does sheer luck.

Ensuring a quality defense might go a long way toward addressing these problems in the future. But efforts to ensure adequate legal representation are sporadic across the state, and there's still the issue of those who are already on Death Row. A number of them were tried and sentenced to death with lawyers whose pay for preparing for the case was capped at \$1,000.

The court may have no problem with the precise method the state plans to use to put Belisle to death for the 1999 murder of a convenience store clerk in Boaz.

But the people of Alabama should have big problems with the way their state imposes the death penalty.

**---- Index References ----**

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