



PRESS RELEASE

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IDAHO EXECUTION PROCEDURES VIOLATE FEDERAL LAW

The public and the press have Constitutional rights to view execution procedure in its entirety

Boise, ID—The American Civil Liberties Union of Idaho (ACLU of Idaho) takes issue with the Idaho Department of Corrections (IDOC) execution procedures that are in clear violation of federal law and a formal letter was submitted to IDOC regarding the legal concern. A Ninth Circuit ruling in *California First Amendment Coalition v. Woodford*, clearly stated that the “public enjoys a First Amendment right to view executions from the moment the condemned is escorted into the execution chamber, including those “initial procedures” that are inextricably intertwined with the process of putting the condemned inmate to death.” IDOC in their Standard Operating Procedures (SOP) manual, which lays out the detailed process for an execution, indicates a concealment of multiple aspects of the execution process from the press and public, in clear violation of federal law.

“It is well settled that the First Amendment gives the public the right of access to governmental proceedings,” says Monica Hopkins, Executive Director of the ACLU of Idaho, “It is especially important in death penalty proceedings.”

The public and press have the right to view the escort of the offender to the execution room, but as it stands now, the press and public are allowed to witness the condemned only after he or she has been secured to the execution table, catheters have been inserted and intravenous (IV) lines attached. These practices violate the First Amendment right to observe executions in their entirety.

In *Woodford*, the Ninth Circuit found unconstitutional a San Quentin State Prison regulation by which the execution chamber was concealed from public view by a curtain during the initial execution procedures. The curtain was lifted only after inmates were brought into the execution chamber, tied to a gurney, and the intravenous lines inserted. Thus, the public and press were unable to view the execution in its entirety. These are almost identical to the procedures outlined in IDOC SOP.

The Constitution is a cornerstone to our American democracy and jurisprudence, and they are at the heart of the ACLU. In addition to the First Amendment, the issue of the death penalty raises a host of other concerns, among them a violation of the constitutional ban against cruel and usual punishment and the guarantees of due process of law and of equal protection under the law. We inherently oppose a state-sponsored right to kill another human being, particularly in its premeditated and ceremonial form. The death penalty has been plagued with errors and since 1973 over 138 people have been released from death row in 26 states because of innocence.

The death penalty is extremely costly. Every major cost study ever conducted shows that the death penalty system costs taxpayers at least 2 to 3 times more than a sentence of life without parole. The majority of that cost is incurred during the trial, whether or not the defendant is sentenced to death. In addition, death sentences are often overturned or commuted. A life without parole sentence is significantly faster, cheaper and

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permanent. Libertarian John Whitehead from the Rutherford Institute stated that “abolishing the death penalty would save money to fund public works programs to reduce poverty and child abuse, or simply to reduce taxes and put more money in the pockets of Americans.” With Idaho facing tough budget issues, and public schools facing insurmountable challenges as a result of budget cuts, now is the time for Idaho to reconsider its death penalty law. In the meantime the Idaho Department of Corrections has a clear constitutional duty to follow federal law and stop any further executions until all execution procedures are brought up to standards.

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