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Alabama should take the hint

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THE ISSUE: The U.S. Supreme Court gave states a strong signal Tuesday to hold off on executions. Alabama responded by setting execution dates for two inmates.

The eyes of the nation were on Mississippi on Tuesday. Death penalty opponents and supporters alike waited to see whether the U.S. Supreme Court would allow the execution of a Mississippi killer - or whether it would send a signal to states to hold off on death sentences until a larger appeal about lethal injection can be heard.

Just 15 minutes before Earl Wesley Berry was to be put to death, the U.S. Supreme Court made its move. A majority of the court granted a reprieve.

The decision was interpreted as a broad hint that state execution chambers would remain idle until the court rules on the lethal injection challenge from Kentucky, presumably sometime next year.

"The prospects of any execution going forward are extraordinarily unlikely between now and the time the court rules," Deborah Denno, an expert on the death penalty at Fordham University Law School in New York, told Bloomberg News.

But that didn't stop Alabama from setting execution dates this week. The state on Wednesday set a Dec. 6 execution date for Thomas Arthur and a Jan. 31 date for James Harvey Callahan.

This makes no sense. Gov. Bob Riley and Attorney General Troy King should waste no time - and should certainly waste no taxpayer money - in some ridiculous attempt to actually carry out these death sentences on those dates.

The U.S. Supreme Court is not even expecting final briefs on the lethal injection challenge until Dec. 28. Clearly, there won't be a resolution by Dec. 6, and it's hard to imagine there'll be a decision by Jan. 31, either.

The issue before the court is no trivial matter. The court has agreed to decide, for the first time, whether the procedures and drugs used in most lethal injections are cruel and unusual punishment. The specific case is from Kentucky, but the issue has boiled up around the country. Botched injections in several states left little doubt inmates suffered in the course of being put to death, and questions have been raised about conscious-but-paralyzed inmates slowly suffocating to death even in routine executions. Legal challenges have been pending in several states, including Alabama.

Even if the Supreme Court were to allow states to proceed with executions in the midst of this, Alabama officials should want to hold off on death sentences. At the very least, they should pick up on the broad hint the court dropped this week and put the brakes on upcoming executions.

Until the Supreme Court rules on lethal injection, Alabama shouldn't bother setting execution dates - not just because it's probably futile and wasteful, but because it's wrong.