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State justices erred in setting execution dates

It's hard to believe that the Alabama Supreme Court is so far out of the loop that its members failed to get the memo on lethal injections.

Yet the alternative explanation - that political considerations drove the state's highest court on Wednesday to schedule two executions despite a clear signal from the U.S. Supreme Court a day earlier that it will halt lethal injections nationwide to review their constitutionality - is equally unpalatable.

The nation's highest court on Tuesday issued a stay of execution minutes before a Mississippi man was scheduled to be put to death by lethal injection for a 1987 murder. The condemned man had exhausted his appeals and the Mississippi Attorney General's Office asked the state's Supreme Court to set the execution date. But the inmate's attorney argued that it was premature and that all further legal proceedings should be stayed until the U.S. Supreme Court decides the legality of lethal injections.

Earlier, the federal court agreed to review a Kentucky case to determine if the injections amount to unconstitutionally cruel and inhumane treatment.

The Mississippi court held that the objections were filed too late. But the U.S. Supreme Court intervened. It was the third time the justices have halted an execution since they agreed on Sept. 25 to consider the Kentucky case.

The last-minute reprieve for the Mississippi man came without comment from a divided court. But opponents of capital punishment hailed it as a "de facto moratorium" on the death penalty nationwide. A ruling is not expected until next year.

In the face of these developments, Alabama officials behaved as if they were in a vacuum. Blithely ignoring the federal rebuff to Mississippi, the Alabama Supreme Court on Wednesday scheduled two executions by lethal injection - one on Dec. 6 and another on Jan. 31.

The action seems even more willfully defiant in that it comes just weeks after a federal court ordered Alabama to stay another execution until the U.S. Supreme Court makes a final decision on lethal injection.

Like his Mississippi counterpart, Alabama Attorney Gen. Troy King requested the state Supreme Court to set the execution dates. It's part of the pattern for King, who has been grandstanding on death penalty issues in recent weeks.

It's disturbing, however, that the state Supreme Court would play along. Like King, the justices are elected. But surely they realize that the execution dates they set on Wednesday will be stayed.

Even if you support capital punishment, it's troubling that the Alabama justices seemed to ignore the U.S. Supreme Court actions. Families of victims who expect killers to be executed on a given date face a new emotional roller coaster ride with every stay.

Moreover, as prosecutors in Texas noted, voluntary postponement of executions instead of facing a cost-imposed stay, makes it easier to resume them later.

Alabama's actions don't make much sense.