Executions Should Be Televised

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EARLIER this month, Georgia conducted its third execution this year. This would have passed relatively unnoticed if not for a controversy surrounding its videotaping. Lawyers for the condemned inmate, Andrew Grant DeYoung, had persuaded a judge to allow the recording of his last moments as part of an effort to obtain evidence on whether lethal injection caused unnecessary suffering.

Though he argued for videotaping, one of Mr. DeYoung’s defense lawyers, Brian Kammer, spoke out against releasing the footage to the public. “It’s a horrible thing that Andrew DeYoung had to go through,” Mr. Kammer said, “and it’s not for the public to see that.”

We respectfully disagree. Executions in the United States ought to be made public.

Right now, executions are generally open only to the press and a few select witnesses. For the rest of us, the vague contours are provided in the morning paper. Yet a functioning democracy demands maximum accountability and transparency. As long as executions remain behind closed doors, those are impossible. The people should have the right to see what is being done in their name and with their tax dollars.

This is particularly relevant given the current debate on whether specific methods of lethal injection constitute cruel and unusual punishment and therefore violate the Constitution.

There is a dramatic difference between reading or hearing of such an event and observing it through image and sound. (This is obvious to those who saw the footage of Saddam Hussein’s hanging in 2006 or the death of Neda Agha-Soltan during the protests in Iran in 2009.) We are not calling for opening executions completely to the public — conducting them before a live crowd — but rather for broadcasting them live or recording them for future release, on the Web or TV.

When another Georgia inmate, Roy Blankenship, was executed in June, the prisoner jerked his head, grimaced, gasped and lurched, according to a medical expert’s affidavit. The Atlanta Journal-Constitution reported that Mr. DeYoung, executed in the same manner, “showed no violent signs in death.” Voters should not have to rely on media accounts to understand what takes place when a man is put to death.

Cameras record legislative sessions and presidential debates, and courtrooms are allowing greater television access. When he was an Illinoisstate senator, President Obama successfully pressed for the videotaping of homicide interrogations and confessions. The most serious penalty of all surely demands equal if not greater scrutiny.

Opponents of our proposal offer many objections. State lawyers argued that making Mr. DeYoung’s execution public raised safety concerns. While rioting and pickpocketing occasionally marred executions in the public square in the 18th and 19th centuries, modern security and technology obviate this concern. Little would change in the death chamber; the faces of witnesses and executioners could be edited out, for privacy reasons, before a video was released.

Of greater concern is the possibility that broadcasting executions could have a numbing effect. Douglas A. Berman, a law professor, fears that people might come to equate human executions with putting pets to sleep. Yet this seems overstated. While public indifference might result over time, the initial broadcasts would undoubtedly get attention and stir debate.

Still others say that broadcasting an execution would offer an unbalanced picture — making the condemned seem helpless and sympathetic, while keeping the victims of the crime out of the picture. But this is beside the point: the defendant is being executed precisely because a jury found that his crimes were so heinous that he deserved to die.

Ultimately the main opposition to our idea seems to flow from an unthinking disgust — a sense that public executions are archaic, noxious, even barbarous. Albert Camus related in his essay “Reflections on the Guillotine” that viewing executions turned him against capital punishment. The legal scholar John D. Bessler suggests that public executions might have the same effect on the public today; Sister Helen Prejean, the death penalty abolitionist, has urged just such a strategy.

That is not our view. We leave open the possibility that making executions public could strengthen support for them; undecided viewers might find them less disturbing than anticipated.

Like many of our fellow citizens, we are deeply conflicted about the death penalty and how it has been administered. Our focus is on accountability and openness. As Justice John Paul Stevens wrote in Baze v. Rees, a 2008 case involving a challenge to lethal injection, capital punishment is too often “the product of habit and inattention rather than an acceptable deliberative process that weighs the costs and risks of administering that penalty against its identifiable benefits.”

A democracy demands a citizenry as informed as possible about the costs and benefits of society’s ultimate punishment.