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March 12, 2014

Governor Gary R. Herbert
Utah State Capitol Complex
350 North State Street, Suite 200
PO Box 142220
Salt Lake City, Utah 84114-2220
Fax: 801-538-1528

Re: HB 11, "Death Penalty Procedure Amendments"

Dear Governor Herbert:

We strongly urge you to veto House Bill 11 "Death Penalty Procedure Amendments." This bill takes an already ill-advised and unconstitutional policy, the death penalty, and makes it worse by allowing a practice that its own sponsor calls "barbaric". Bringing back the firing squad if lethal injection drugs were to become unavailable would not fix the fundamental problems with a policy of state-sanctioned killing, but only replace one inhumane way of carrying it out with another. Moreover, this bill draws unneeded and undeserved negative attention to our state in the name of solving a problem that we do not actually have.

The firing squad is a brutal, barbaric method of execution. The psychic trauma to corrections officers involved in shooting a fellow human being point-blank should not be ignored. There is also a chance of failure, and no back-up plan. Each time Utah used the firing squad, our state would receive an out-pouring of negative and worldwide media attention. Only two states, Oklahoma and Utah, still authorize the firing squad at all. The method is so outdated and extreme that the Utah legislature outlawed it as a primary method of execution in 2004, more than 10 years ago. Signing House Bill 11 would set Utah back rather than follow the current national trends eliminating the death penalty.

It is our position that the death penalty itself and all current methods of execution – including the firing squad – violate the Eighth Amendment's ban on cruel and unusual punishment, and the Constitutional guarantees of due process and equal protection under the law. Experience and recent evidence has shown that executions are often botched in horrific fashion. Just last year -- documented by witnesses to the lethal injections -- inmates choked, gasped, snorted, heaved, experienced "air hunger," and

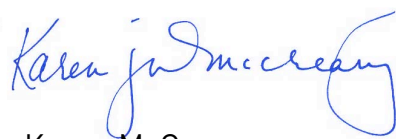
turned blue before dying 10-20 minutes later, one of a heart attack rather than the lethal injection drugs, in direct contrast with the pain-free and speedy death the United States Supreme Court requires.

Rather than employ obsolete execution methods, recent polls confirm that the majority of the people of this country would be satisfied with the extreme punishment of life in prison without parole instead of the death penalty. The risk of executing an innocent person is unacceptably high. One hundred and fifty people have been released from death row so far due to innocence, which is 10% of those executed in the modern era – rendering at least one in every 25 death row prisoners innocent. When will that statistic play out in Utah?

Enacting a law to establish which methods of execution to use in Utah ignores the systemic injustices and inequities that plague every execution that takes place in this country, regardless of method. These inherent problems delegitimize the death penalty system in Utah and across the nation. In Utah and across the country, decisions about who lives and who dies are largely dependent upon the skill of their attorneys, the race of the defendants and of their victim, the defendant's socioeconomic status, and where the crime took place. Such infrequent, arbitrary, and discriminatory administration of the death penalty is the very definition of a failed government program.

For the above-mentioned reasons, we strongly urge you to veto H.B. 11, "Death Penalty Procedure Amendments." We'd be happy to discuss if you have any questions or concerns.

Sincere Regards,



Karen McCreary
Executive Director



Marina Lowe
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John Mejia
Legal Director

cc: Jacey Skinner, Esq.