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Death Penalty Drug Suit to Block US Execution?

By Jason Beahm on November 5, 2010 5:54 AM |

Opponents of the death penalty are trying a new legal technique in order to try to block executions. A London civil rights group known as Reprieve is suing a British company to try to stop them from exporting sodium thiopental. The three-drug cocktail used in U.S. lethal injections contains sodium thiopental. Right now, the U.S. is facing a shortage of the drug which has caused a number of states to stop or slow the pace of executions.

Reprieve, through their law firm Leigh Day & Co., hopes to make the U.K. regulate the export of the drug, ultimately blocking it from being sent to the U.S. The drug was scheduled to be shipped from the U.K. to Tennessee immediately before Reprieve became involved. Death penalty opposition is fierce in the U.K., which, like most countries, does not have the death penalty.

Many argue that the death penalty in the U.S. isn't working and should be abolished. California has not had an execution for over four years, after federal judge's ordered the review and reform of lethal injection procedures. California has over 700 inmates on death row, but at this point they are more likely to die of natural causes than execution. Therefore, many see the death penalty as an empty threat.

"We can stop the export of these drugs," Reprieve Director Clive Stafford Smith said at a news conference. "But the (UK government) is dedicated to inaction." Reprieve is particularly focused on the impending execution of Edmund Zagorski, who was convicted of two murders in 1983. Reprieve spokeswoman Katherine O'Shea said "all it would take to prevent the death of Mr. Zagorski and others" would be for Business Secretary Vince Cable to issue an emergency order regulating the export of sodium thiopental," The Associated Press reports.

However, despite death penalty opposition, Cable does not appear to believe that banning the export of sodium thiopental is proper. "[T]he U.K. firmly opposes the death penalty in all circumstances as a matter of principle," but requiring exporters of sodium thiopental to seek a license "would not be justified," Cable wrote to Leigh Day & Co.

Reprieve has filed a request for an urgent judicial review of the decision. It is expected to be heard this week.