

ACLU and News Organizations Sue Over Closed Blinds During Botched Lockett Execution

Lawsuit Seeks Uncensored Access to Executions, Citing First Amendment Press Freedom

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OKLAHOMA CITY – The American Civil Liberties Union, the ACLU of Oklahoma, and two newspapers filed a lawsuit today seeking to stop Oklahoma prison officials from selectively filtering what journalists can see during an execution. The lawsuit, filed on behalf of Guardian US and The Oklahoma Observer, follows the botched execution of Clayton Lockett in April during which prison officials blocked witnesses' view when the procedure did not go as planned.

“The state of Oklahoma violated the First Amendment, which guarantees the right of the press to witness executions so the public can be informed about the government’s actions and hold it accountable,” said ACLU Staff Attorney Lee Rowland. “The death penalty represents the most powerful exercise of government authority. The need for public oversight is as critical at the execution stage as it is during trial.”

The lawsuit demands that reporters and other witnesses be permitted to view the execution, without interruption, from the time the condemned prisoner enters the execution chamber until he or she leaves it.

“Regardless of where Oklahomans stand on the death penalty, the idea that the government has the right to exercise its ultimate power in secret is one that we can all reject,” said Ryan Kiesel, executive director of the ACLU of Oklahoma.

At the Lockett execution, as with other executions in Oklahoma, the windows for witnesses to look into the execution chamber were covered by blinds while Lockett was brought into the chamber, strapped down, and had intravenous lines inserted. The blinds were raised only when officials began to administer the lethal drugs. After about 20 additional minutes, state officials closed the blinds after Lockett began to writhe, groan, and speak when he should have been unconscious. The blinds stayed down for approximately 20 more minutes, during which prison officials said they tried to determine the problem, called off the execution, and finally declared Lockett dead of a heart attack. Also in that time, members of the press could hear sounds coming from

the execution chamber indicating pain and suffering, but they were unable to verify their exact source or nature because they could not see what was happening. There were no independent witnesses to Lockett's death, and the precise cause of death has yet to be determined.

Reporter Katie Fretland, a plaintiff in the lawsuit, attended the Lockett execution for The Oklahoma Observer and Guardian US.

“At an execution, the press serves as the public's eyes and ears,” Fretland said. “The government shouldn't be allowed to effectively blindfold us when things go wrong. The public has a right to the whole story, not a version edited by government officials.”