

process can be cruel and painful, a finding that would make the procedure unconstitutional. Several states proposed adding an anesthesiologist to monitor executions and confirm that the three-drug process, intended to sedate, paralyze, and finally kill the prisoner, was working properly. There was just one problem—anesthesiologists balked at presiding over executions because that would go against their Hippocratic Oath to “do no harm.” States also began to lose access to the drugs most typically used to induce unconsciousness, stop breathing, and stop the heart. In 2014, a series of botched executions in which inmates retained or appeared to retain consciousness or feel pain while dying raised pointed questions about whether death by lethal injection is an efficient standard after all. In light of these challenges, some experts are calling for a return to other execution methods, including the electric chair and the firing squad. “We’ve known for a long time that

there are better methods, but states don’t want to look bad and horrifying,” says Deborah Denno, a law professor at Fordham University who has written about the death penalty.

Instead, states have slowed down. In 2014 the United States executed the fewest prisoners since 1994, a third fewer prisoners than at capital punishment’s peak of 98 in 1999. With crime falling and a wide range of options to choose from (thanks to the curtailment of mandatory sentencing laws), prosecutors and judges simply have more choices. Texas offers a case in point. For years, it accounted for a third of all executions nationwide, but in 2005, the Lone Star State introduced the possibility of life-without-parole sentences for the first time. “When that happened,” said Craig Watkins, district attorney for Dallas County, “you saw a decrease in prosecutors even bringing death-penalty cases. . . . Now you have a choice. Before, you didn’t.”

Sources: Nathan Koppel and Chris Herring, “Lethal Injection Draws Scrutiny in Some States,” *Wall Street Journal*, October 15, 2009, A13; “The Slow Death of the Death Penalty,” *The Economist*, April 26, 2014.