Your Lethal Injection Bill: A fight to the death over an expensive yellow jacket

Woody R Clermont
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WOODY R. CLERMONT*

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* Woody R. Clermont is an Assistant General Counsel, with the Office of the General Counsel for the Eleventh Judicial Circuit of Florida. He received his J.D. from the University of Miami, his B.A. from Binghamton University, and his A.S. from the State University of New York at Empire State College. The author would like to thank Kionne L. McGhee for his invaluable advice and assistance, and Professor D. Marvin Jones of the University of Miami School of Law, for his giving him the tools to critically analyze and reason through this difficult area of law. He would also like to thank Seth Barrett Tillman, Professor at the National University of Ireland, Maynooth, for his incredibly helpful insight. The author takes full responsibility for any errors or misstatements. The view expressed is solely his own, and not those of any one else, including any employers.
This article reviews in a detailed fashion, the legal prohibition of "cruel and unusual" punishment along with a full history of capital punishment. From the Magna Carta to the English Bill of Rights of 1689, to the various bills of rights developed early on in the American colonies, the United States drew its understanding of the constitutional proscription from a enlightened sense of rejecting the barbaric and inhumane. From the earliest cases raising Eighth Amendment claims, the Court focused on particular methods of execution such as the firing squad and the electric chair to determine whether they were too cruel to pass constitutional muster. However, with an enlightened understanding also comes a great societal cost. Fiscal sense dictates that the draining expenses associated with the death penalty process not only distort economic decisions, but are antiproducive and make local state economies inefficient. This article particularly looks at the litigation concerning lethal injections, and the recent substitution of pentobarbital into the death cocktail. The ultimate question becomes: considering the recent turn of economic events, can we continue to maintain the death penalty when life imprisonment without parole may prove to be more cost efficient?

![Chemical structures of sodium thiopental and pentobarbital](image)

**Fig. 1.** The chemical structure of two barbiturates used in the lethal injection process: sodium thiopental (a barbiturate no longer available), and pentobarbital (the current substitute barbiturate).