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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/04/07/the-machinery-of-death-death-row-prisoners-can-opt-for-firing-squad-gas-chamber-electric-chair-or-noose-but-not-suicide/>

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by [Jean Casella and James Ridgeway](#) | April 7, 2010



The state of Utah is going to allow death row inmate Ronnie Lee Gardner to choose how he dies as long as he chooses either lethal injection or a firing squad. Gardner is one of a shrinking group of condemned prisoners, in more than a dozen states, who are still permitted to make a final, macabre choice between lethal injection and a second method of execution which might be the firing squad, the electric chair, the gas chamber, or the noose.

Gardner has been on death row since 1985, when he was convicted of killing an attorney during an escape attempt at the Salt Lake Metro Hall of Justice. A judge will likely sign Gardner's death warrant next week, with an execution date set in June. Under Utah law, he is among a handful of longtime death row inmates who has the right to choose between the state's current means of executing prisoners and its previous one.

According to Terry Lenamon's [Death Penalty blog](#), in Utah, it was only recently that their [state legislature nixed the option of a death penalty](#) by firing squad and when it acted, four men sat on Death Row for whom the new law did not apply. These four men were grandfathered into the prior law, and the execution methods that were options when they were sentenced are legally still available to them today. Ronnie Lee Gardner is one of these men.

After a hearing on Monday, assistant Utah Attorney General Thomas Brunker said the state would not contest Gardner's choice. And to help him decide, the [Salt Lake City Tribune](#) reports, the Utah Department of Corrections has agreed to release general information about the execution methods to Gardner's lawyers. In response to a request from Gardner, the DOC will provide his attorneys with relevant documents [that] detail the training and expertise of the execution team. The identity of the team members and other information affecting security will not be included.

Tom Patterson, executive director of the DOC, said the department is prepared to muster a firing squad, if need be. If Mr. Gardner would like to be executed in that format and the court orders that, then we will carry that out, he said. But according to a [report by Fox 13](#) in Salt Lake City, corrections officials are concerned about a death by firing squad creating a media circus. An execution by this method would be novel even for Utah, Patterson said. What's more, we are the only state that has firing squad at this point, and so yeah, it does become a bit of a novelty, nationwide and even worldwide.

The most famous U.S. execution by firing squad in modern times also took place in Utah: In 1977, multiple murderer Gary Gilmore was [killed by five men with rifles](#), while strapped to a chair with a hood over his head and a target pinned over his heart. (Gilmore's choice had

been between firing squad and hanging.) He was the first person to be executed in the United States for nearly ten years, after the Supreme Courts lifted an effective ban on capital punishment. Since that time, one other man, John Albert Taylor, has chosen to die by firing squad, also in Utah. According to the [New York Times](#), Taylor chose this method for his 1996 execution to make a statement that Utah was sanctioning murder.

While firing squads are unique to Utah (or almost see Oklahoma, below), a number of other states still give condemned prisoners a choice of execution methods. The primary or default method in all cases is lethal injection. But some states still offer their previous method, as well often, like Utah, only to inmates who were originally sentenced to die by that method.

In Alabama, Arkansas, Florida, Kentucky, South Carolina, Tennessee, and Virginia, some prisoners can choose between a lethal injection and the electric chair. In Arizona, California, Maryland, and Missouri, they can opt for the gas chamber. Hanging is still permitted in Washington (if the prisoner requests it) and New Hampshire (if a lethal injection for some reason can't be given).

Many state laws even designate backup methods, just in case the primary method is struck down by the courts. Oklahoma, in particular, seems determined not to take any chances. According to the [Death Penalty Information Center](#) (which maintains detailed data on execution methods), the state of Oklahoma authorizes electrocution if lethal injection is ever held to be unconstitutional and firing squad if both lethal injection and electrocution are held unconstitutional.

Federal prisoners who receive the death penalty are generally executed according to the methods used in the state in which their crime took place. This means that in theory, at least, under the authority of the United States of America, prisoners can be poisoned, electrocuted, gassed, hanged, or shot.

There is one way of dying, however, that no state allows its prisoners to choose: Suicide. Last month, an Ohio inmate named Lawrence Reynolds tried to overdose on stockpiled antidepressants two days before his execution date. Prison officials rushed him to the hospital, where he was revived. An investigation by the state [concluded](#) that Reynolds, who had been on death row for 16 years, wanted to end it by his own hand, so as not to give the state any satisfaction of killing him. But the state reserved its right to be Reynolds' executioner: Nine days after his suicide attempt, it put him to death in the lethal injection chamber.

Suicide attempts by death row inmates are not uncommon, though they are rarely successful. Some [advocates have suggested](#), however, that condemned prisoners who waive their rights to appeal are committing a form of legal suicide. Dr. Stuart Grassian, a psychiatrist and expert on the effects of solitary confinement and death row, has stated that the conditions of confinement are so oppressive, the helplessness endured in the roller coaster of hope and despair so wrenching and exhausting, that ultimately the inmate can no longer bear it, and choosing to die may be the only way that he has any sense of control over his fate.

According to the [Salt Lake City Tribune](#), during his 25 years on death row, Ronnie Lee Gardner periodically asked judges to allow him to die, either saying he was frustrated with delays in the case or racked with pain from rheumatoid arthritis, but then continued to challenge his sentence. His appeals were finally exhausted in March. Since then, Gardner has been left to ponder the only choice left to him by a state that has power over his life and death: Whether to be poisoned by lethal injection, or shot through the heart.

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets [@solitarywatch](#).

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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I think people who are on death row should have the choice of how they die. They should have that dying wish granted out of respect and some kind of caring. I really think that should get a choice.

I think the people on death row should have the choice how they die. They should have that dying wish granted to them out of respect and showing some kind of kindness to the inmate that will be killed. It really should be their choice.

I am extremely impressed with your writing skills as well as with the layout on your weblog. Is this a paid theme or did you modify it yourself? Anyway keep up the excellent quality writing, it is rare to see a great blog like this one today..

Even though he did what he did if we evaluate things we can accept it that his crimes probably wouldn't have happened if our society was different. Him being a man of color in America even until this day can influence him to do heinous crimes because of poverty and greed. He was once a new born child and I bet no one thought of killing him then. Society itself is failure. Money is the main cause of crimes today even raping if you evaluate things in a large scale almost all crimes except crimes of passion. The only person who should be allowed to see him get executed is a religious representative at his request not a panel of people and probably family members that's just plain sick and sinful if family members of the deceased watch out of vengeance. Would Jesus do that? Or any other prophet that you all pray for?

I hope that this would also be my last request if I was Gardner.

http://3.bp.blogspot.com/_XFDCCh9ZFv4/RmUSifrK5ZI/AAAAAAAAA8/DfAlq6M910o/s320/Bizarro%5B1%5D.gif

Gardner chose death by firing squad

<http://news.bbc.co.uk/2/hi/americas/8641280.stm>

The state is not doing it to be cruel? What saving someone one day so you can kill him the next is doing him a favor? Or placing mentally ill prisoners in a cell with the only item that others have used to hang themselves? These inmates are ill not on death row. Designing a tool to cut them down because it is so common but repeating the whole thing over and over again expecting a different outcome? That is also a sign of insanity. Isn't it? You best lock them up beside the others. Ha ha

The inmate was restrained. He had no way to defend himself, said one of two officers who reported the incident. It would be akin to a police officer raping somebody. There's no gray area there.

No, two situations are being related that do not have the same definition. That is a logical fallacy called False Analogy. The two things may seem related, but the issue at hand is not the same. The officer may have poorly treated the prisoner who was restrained for their safety. That is wrong, I do agree on that part.

That is not like rape and it distorts reader's idea of what is going on. Rape is sexual intercourse where the victim is forced and/or does not give consent. In rape, a victim is not even always restrained by more than fear, the criminal's body, or a weapon. Also, the victim in rape is innocent. The officer is an authority figure and the victim in that case was a GUILTY person, who committed murder.

Their suicidal tendencies may not always suggest that they have a mental disorder. Of course many killers have some sort of mental stability the reason that many often deviate from the norm is because they lack something there. Maybe once they realize that they have to serve the rest of their life in the same place and cannot escape, they would rather end their lives. Too bad all that many was wasted keeping them alive in a jail cell when they could have been executed in the end.

^^ The above does not pertain to someone with a real mental disorder. I am speaking of those who say they are mentally unstable because their mother drank while she was pregnant or they were beaten as a child. Not every person in those situations becomes a criminal. People need to become held accountable for their actions and the punishment SHOULD FIT the crime.

The state is not doing it to be cruel. Have you thought about how you would feel if someone brutally planned and murdered someone that you loved? Why are we going to fight for the rights of the murderer? A jury of 12 has to unanimously agree that he is guilty without a reasonable doubt. DNA testing is over 99% effective. The inmates on death row are the ones who try to fight getting lethal injection and want to be executed in another way. I think the most ridiculous part of this is that he does get a choice. He doesn't deserve a choice. There are certain preliminary procedures that must be performed before a criminal is put on death row.

Ponder this one last point I would like to make: Say there is a hostage situation. The suspect has a gun in his hand and has already killed one of the victims. Would you find it so wrong for a police officer to shoot that person to save the innocent? Death penalties are similar to this except for the law finds the criminal after the act of murder.

Gardner has been left to ponder the only choice left to him by a state that has power over his life and death: Whether to be poisoned by lethal injection, or shot through the heart.

How generous of the state huh?

With prison violence and the mass use of isolation every sentence is a possible death sentence. It could take the form of mental illness or suicide brought on by the isolation, the contraction of incurable diseases such as AIDS, or hepatitis contracted when raped amongst other means, or just the death of one's spirit. A prison's fate is unpredictable but predictably negative.

For a graphic example of the very real threat of contracting contagious diseases while in prison read Charles P. Norman memoir: Fighting the Ninja at:

<http://www.pen.org/viewmedia.php/prmMID/2503/prmID/1622>

Infection Hits a California Prison Hard

December 30, 2007

NY Times

Infection Hits a California Prison Hard

By JESSE McKINLEY

COALINGA, Calif.

In the past three years, more than 900 inmates at the prison have contracted the fever, a fungal infection that has been both widespread and lethal.

At least a dozen inmates here in Central California have died from the disease, which is on the rise in other Western states, including Arizona, where the health department declared an epidemic after more than 5,500 cases were reported in 2006, including 33 deaths.

<http://www.nytimes.com/2007/12/30/us/30inmates.html?hp=&pagewanted=print>

While the condemned are prevented from killing themselves other inmates in isolation are in the estimation of Dr. Kom knowingly encouraged to commit suicide. Here is his quote:

Dr. Richard Kom, in a 1987 report on Lexington commissioned by the ACLU, framed the matter even more clearly. In Dr. Richard Kom's estimation, the purpose of an SHU-style facility is to:

reduce prisoners to a state of submission essential for their ideological conversion. That failing, the next objective is to reduce them to a state of psychological incompetence sufficient to neutralize them as efficient, self-directing antagonists. That failing, the only alternative is to destroy them, preferably by making them desperate enough to destroy themselves.

<http://ishgooda.org/peltier/copap8.htm>

Here is another quote I found on:

http://realcostofprisons.org/blog/archives/control_unitsshusupermax/index.html

Once he is approved to be taken to the segregation unit he's again placed in an empty cell. This time he will only be allowed on item for the first 24 hours. He will not receive a book, a Bible or rosary beads. He will not be allowed a pen, a pencil or a writing pad. And he won't get a shower, a phone call or even cosmetics. But he will be given a bedroll. In other words, after days of psychological torture this prisoner, who may be suffering from mental illness, substance abuse issues or withdrawal symptoms, is given absolutely nothing except a set of sheets with which to hang himself.

It is important to mention two very significant points:

- 1) Every prisoner who has committed suicide in the SMU has hung himself, and;
- 2) Every inmate is given a manual containing a complete and comprehensive set of rules and regulations which govern the SMU. And nowhere in this or any other manual is it written or even hinted that prisoners are not entitled to anything for the first 24 hours in the segregation unit.

March 06, 2008

MA: Breakdown: The Prison Suicide Crisis (3 articles)

3 articles in the Boston Globe

BREAKDOWN | THE PRISON SUICIDE CRISIS

A system strains, and inmates die

December 9, 2007

Part 1

So common has it been to find a man with a makeshift noose around his neck that some correction officers have taken to carrying their own pocket tools to cut them down. The tally of suicide attempts and self-inflicted injuries 513 last year and more than 3,200 over the past decade tells a story of deepening mental illness and misery behind the walls of the states prisons, despite repeated calls for better training of officers and safer cells for mentally troubled inmates.

You're taking people who are vulnerable and can't cope in society, said a psychiatrist who consults to prisons and is an assistant professor at University of Massachusetts Medical School, and putting them in the worst situation imaginable.

The Department of Correction guards the details of these events in secrecy, revealing little to the public, or even to the families of the suicide victims.

Part 3

On a damp Saturday last fall, he collected a stack of papers and notebooks that chronicled his decade as a state correction officer and set them ablaze in a cemetery near his home.

He had liked his first eight years at the prison, but his last two had turned hellish. He hoped the graveyard bonfire would exorcise memories of his work behind the walls of the states toughest prison.

Especially his memory of what happened there one night in late 2000.

Shortly before 10 that November night, a deeply disruptive inmate lay shackled to a concrete slab in a cramped cell. As he stood watch, a captain and three other officers swept in, the captain grabbing, as he went by, a foam cup that he had been using to catch tobacco juice and sunflower seeds.

He watched as the captain tilted the cup over the mouth of the prisoner. Sickened, he turned away. But he could hear the parting admonition to the 33-year-old inmate: If you don't behave, my officers will pour [excrement] down your throat. Because I can do anything I want to you.

The captain was just sadistic. He thought this was the way to rule. Sometimes you have to use force in the prison. It's just the dynamics. But the way I was schooled, once you're in restraints, it's over.

Another officer assigned to the control room and said he could see him tilt a foam cup over the inmates head.

What happened that day was totally wrong. You're in four-point restraints. You can't do anything. That's torture.

Two months later, the inmate hanged himself with elastic from his underpants and bed sheets.

The larger point is hard to miss: Some correction officers, he said, are unfit to deal with the mentally ill or deeply troubled inmates who are increasingly their charge. The result is an incendiary dynamic between inmates and officers, a climate ripe for abuse.

The inmate was restrained. He had no way to defend himself, said one of two officers who reported the incident. It would be akin to a police officer raping somebody. There's no gray area there.

The treatment of this inmate who was in four-point restraints for nearly 40 hours over four days is one of the most flagrant of the cases of abuse of inmates whom prison officials or prisoner advocates say had acute mental problems.

But it is hardly an isolated example. A Spotlight Team investigation into a recent surge in prison suicides and suicide attempts found other cases in which correction officers, with scant training in how to handle the burgeoning number of mentally ill in prison, brutalized, mistreated, or neglected inmates.

Indeed, as prisons increasingly become the asylum of last resort for the mentally ill with the closure of state hospitals and the deinstitutionalization of their residents desperation, frustration, and violence are rising on both sides of the cell door.

<http://realcostofprisons.org/blog/archives/2008/03/index.html>

I cannot adequately express how sad is this grizzly effort to bring civility into such an uncivilized custom. Freedom of choice in death preference. Executioner with clean conscience!

Stan Moody

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