

Criminal Justice Issues and Prisoners' Rights

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The American Civil Liberties Union of Ohio Foundation filed suit today against state officials over the way in which executions are performed by the Ohio Department of Rehabilitation and Corrections. The federal civil rights suit was filed this morning in United States District Court in Columbus.

The case is being filed brought on behalf of Anthony Apanovich, an inmate on death row, Cindy Mollick, a prison rights activist, and Ohio SORT, an advocacy group which works on prison issues. The suit names Governor Bob Taft, Corrections Director Reginald Wilkinson, and two other corrections officials as defendants. It seeks no monetary damages, but only to force the state to change the way in which lethal injections are administered.

Ohio law provides that executions are to be conducted in the presence of designated witnesses. Since executions resumed when Ohio put inmate Wilford Berry to death, prison officials have inserted the needles use to inject lethal chemicals into the condemned mans arm outside the view of witnesses. The ACLU suit claims this is both a violation of the law, and an effort to sanitize what is essentially a brutal process.

The state, and prison officials, have an interest in making execution seem clean and painless, said Erika Cunliffe, a Cleveland attorney representing Apanovich and Mollick for the ACLU. This is yet another effort to hide the ugly face of capital punishment from the people of Ohio. The suit claims that the insertion of shunts or needles, known as intubation, is an integral part of the execution process, and must be conducted in public.

At least two courts have agreed. The federal Ninth Circuit Court of Appeals has held that California must conduct intubation publicly, and the Oregon Supreme Court has imposed a similar obligation on prison officials in that state.

What is at issue here is public access to what, in the end, is a public proceeding, said ACLU of Ohio Legal Director Raymond Vasvari. If the state intends to put men to death, they have an obligation to do so in the light of day."

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