

South Carolina Supreme Court delays executions as state forms a firing squad

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The South Carolina Supreme Court has delayed the execution of two South Carolina inmates, Brad Sigmon, 63, and Freddie Owens, 43, with the court writing in a unanimous order that the executions are on hold “due to the statutory right of inmates to elect the manner of their execution.” The ruling comes after a new law signed into law by Republican Governor Henry McMaster on May 14 compels prisoners to choose between death by electrocution and death by firing squad in order to continue executing people after the state depleted its stock of lethal injection drugs.

Owens and Sigmon have run out of traditional legal appeals but the state was forced to stay their executions due to the lack of lethal injection drugs. The executions were ordered less than a month after the law passed, with state prison officials having planned to execute Sigmon on June 18 by electrocution and Owens on June 25.

Lawyers for Owens argued that given his previous choice of lethal injection under the old law he cannot be resentenced to a different method without violating his constitutional rights, while Sigmon’s lawyers argued similarly as he would have by default been executed by lethal injection given that he did not choose a method of execution.

Attorneys for the two men have argued in legal filings that the choices constitute cruel and unusual punishment, and that the men have the right to die by lethal injection and that the state has not exhausted all avenues for procuring the lethal injection drugs.

The Eighth Amendment of the US Constitution bars “cruel and unusual punishments.”

The push to continue the death penalty is bipartisan, with the Biden administration’s Justice Department pushing for the reinstatement of the death penalty at the federal level in the case of Dzhokhar Tsarnaev, one of

the Boston Marathon bombers, continuing the Trump administration’s position, despite Biden’s campaign pledge to eliminate the death penalty.

Additionally, the state of Arizona is planning to execute death row inmates with Zyklon B gas, the same gas used in the mass extermination of Jewish people by the Nazis in the Holocaust, in order to continue executions after the state ran out of lethal injection drugs.

Owens has been on death row since 1999 after being convicted for killing a convenience store clerk. Sigmon was sentenced to death after being convicted in the 2002 killing of his ex-girlfriend’s parents.

Chrysti Shain, a spokesperson for the South Carolina Department of Corrections which is in charge of executions, stated that, “The department is moving ahead with creating policies and procedures for a firing squad,” and that, “We are looking to other states for guidance through this process. We will notify the court when a firing squad becomes an option for executions.”

South Carolina is one of eight states that use the electric chair and one of four that use firing squads, according to the nonprofit Death Penalty Information Center.

According to the Associated Press, three inmates have been executed in the United States by firing squad since the reinstatement of the death penalty in 1977 while 19 have been executed by the electric chair.

Governor McMaster cynically stated on Twitter following the reactionary law’s passage that, “The families and loved ones of victims are owed closure and justice by law. Now, we can provide it.” The bill was passed in the state Senate by a vote of 32–11, with several Democrats joining Republicans to endorse a bill that, as the Associated Press put it, “would allow South Carolina to restart executions after nearly 10 years.”

The bill was passed after the supply of lethal injection drugs expired and became unavailable after drug companies, fearing public outcry, discontinued the sale of these drugs for the purpose of executions.

Among the supporters for the bill in the state Senate were Democratic and Republican former prosecutors.

Senator Dick Harpootlian, the Democratic former prosecutor, poorly attempted to cover his role in supporting the bill by blaming Republicans and claiming, “The death penalty is going to stay the law here for a while. If it is going to remain, it ought to be humane,” adding that hangings are brutal and often lead to decapitation and that in execution via electric chair the condemned “are burned to death.” Harpootlian’s statement that firing squads are somehow “humane” is an example of the Democrats adaptation to the far-right and essentially fascistic policies of the Republicans.

The rank hypocrisy of the Republicans was on full display as well, as the legislation shortly followed the passage of a bill outlawing most abortions in South Carolina under the claim of being “pro-life.” The Republican state senator and former prosecutor, Greg Hembree, outlined the basically fascistic conception of the death penalty bill, stating that, while “There’s nothing pleasant about any of those forms. They are gruesome, they are sad and tragic in a way,” that “Justice is not always a happy place. But it is justice.”

During a rally against the executions on Wednesday, protesters noted the decision to postpone while waiting for a firing-squad corresponded with the anniversary of the wrongful execution of black teenager George Stinney. Stinney, 14, was found guilty in 10 minutes by an all-white jury and executed by electric chair on June 16, 1944, after a one-day show trial where he was accused of killing two white girls. Stinney was one of tens of thousands of blacks and poor whites railroaded through the Southern justice system between the 1880s and 1960s, resulting in countless executions and prison sentences in the brutal chain gang system of coerced labor. His attorney did “little or nothing” in his defense and his confession was found “coerced, compliant, false,” according to Circuit Court Judge Carmen T. Mullen who threw out his conviction in 2014.

The concern that the death penalty puts potentially innocent people at risk of death is a broad one among the public in the United States. According to a Pew

Research study a full 78 percent of respondents say there is “some risk an innocent person will be put to death” and this includes “large majorities among various racial or ethnic, educational, and even ideological groups.”

Public support for the death penalty for those convicted of murder has steadily declined from 78 percent in 1996 at the peak of a law-and-order frenzy pushed by Democrats and Republicans to 52 percent in 2020, with opposition to the death penalty rising from 18 percent to 44 percent in the same period.



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