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DEATH PENALTY INFORMATION CENTER

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STATEMENT OF DEATH PENALTY INFORMATION CENTER EXECUTIVE DIRECTOR ROBERT DUNHAM CONCERNING THE EXCLUSION OF MEDIA WITNESSES FROM OBSERVING THE MAY 19, 2021, EXECUTION OF QUINTIN JONES IN TEXAS

The State of Texas executed Quintin Jones last night, ending the longest period in more than forty years without an execution by any U.S. state. Although the state had carried out 570 executions since the 1970s, this time execution personnel “forgot” to let the media witnesses in. Prison officials blamed the failure on the presence on the execution team of a number of new personnel who had never taken part in an execution before.

In the wake of serious abuses by the federal government in its recent spree of 13 executions in just over six months, which included outright falsehoods officials in the Federal Bureau of Prisons told the courts about the way the executions were carried out, Texas’s stunning failure provides cause for very serious concern, not just about the execution of Mr. Jones but also about the conduct of executions nationwide.

First, if the state with the most experience in executing prisoners lacks the competence to carry out this most basic execution function, what does that tell us about what else in the execution process states and the federal government can’t be trusted to perform properly? Letting media witnesses in to see an execution isn’t hard. If a state can’t get that right, there really isn’t anything else in the process — short of executing the wrong person — that it can’t get wrong.

Second, media witnesses are present at executions to vindicate the public’s First Amendment right of access to these proceedings. They are literally the public’s eyes and ears on the execution process. They have served this critical function ever since executions moved indoors from the courthouse lawn or the public square to behind the walls of correctional facilities. That Texas apparently cares so little about transparency that it “forgot” to let the media in — and then no one on the execution team inside the witnessing rooms noticed that the media witnesses weren’t there — exhibits a stunning disregard for public accountability.

Defying principles of open government and public accountability, states that want to execute prisoners have increasingly hidden their execution practices behind an anti-democratic veil of secrecy. Each time that veil has been pierced, it has exposed some form of impropriety, illegality, or incompetence.

Texas's failure last night is destined to become a poster child for the lack of transparency and accountability in the U.S. execution process. It symbolizes why the public continues to lose faith in states' trustworthiness to properly conduct executions.

The state's explanation that the execution involved a number of new personnel who had never taken part in an execution before, while most likely true, is no excuse. There are always going to be new personnel involved in some aspect of an execution. If inexperience explains this failure, who else can't we trust to do the job right? That explanation simply demonstrates how little Texas cares about transparency and why transparency is so essential in all other aspects of the execution process.

Over and over again, state and federal officials have offered sanitized descriptions of problematic executions that are plainly inconsistent with what media witnesses have observed and reported to the public. Texas's failure in Mr. Jones' execution and the repeated failures of execution officials nationwide to tell the truth about executions underscores the need for greater transparency and greater accountability in connection with this important public policy.

With a policy so saturated by secrecy and official misinformation, "Trust me, I'm the government" is no longer an acceptable option.

To speak with Robert Dunham, DPIC's Executive Director, please contact Chloe Madvig at cmadvig@deathpenaltyinfo.org. To learn more about secrecy in the U.S. death penalty, read DPIC's November 2018 report, [Behind the Curtain: Secrecy and the Death Penalty in the United States](#).

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The Death Penalty Information Center (www.deathpenaltyinfo.org) is a non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC was founded in 1990 and prepares in-depth reports, issues press releases, conducts briefings for the media, and serves as a resource to those working on this issue.