

Enacting the Death Penalty: A Senator's Point of View

When I answered the phone on the morning of January 20th it was Senate President Tom Lee. After exchanging Senate business information he said something that will stay with me the rest of my life, he asked, "Ken, how comfortable would you be going with me to witness an execution?" Earlier in the day, I had heard news reports that cop killer Clarence Hill was scheduled to be put to death that following Tuesday, January 24th in Starke, Florida.

After being involved in overhauling the death penalty law in 2000, (the new law would allow for lethal injection as opposed to the electric chair to meet constitutional muster), I had felt compelled to attend an execution. The legislature deals with so many life and death issues, I've always felt it was important for us to understand the significance of the decisions we make on issues as profound as the enactment of the Death Penalty and now I would attend one.

Twenty four years ago on Oct. 19, 1982, Clarence Hill and Cliff Jackson attempted to rob a bank in Pensacola. Jackson was being apprehended by Officers Steven Taylor and Larry Bailly, when Hill circled back to the scene and shot both Police Officers in the back, Bailly would recover from his wounds, Taylor would not.

For twenty four years, Taylor's family has attended court hearing after court hearing and the endless appeals that go with each death penalty conviction. They would now have the chance to bring this horrific nightmare to a close, or so they thought.

The execution was scheduled for 6 PM, Senate President Lee and I arrived at the prison around 5 PM, after what seemed to be an endless drive from a small country air strip. Florida State Prison in Starke is nestled in the middle of some of Florida's most beautiful countryside. The prison itself is imposing, suddenly appearing among modest homes and businesses.

Arriving in the Warden's office I couldn't help but be impressed with the professionalism of the Corrections officials and officers. The seriousness of the situation could clearly be seen on their faces, there was no laughing or joking and smiles were forced. Officer Taylor's family had arrived ahead of us and was in the waiting room across from ours, it was clear from their demeanor they were use to waiting, but they had an anxious look about them now.

As the time for the execution arrived, President Lee and I were escorted down the long halls where Corrections Officers stood at full alert in case trouble erupted in other parts of the Prison. Passing through each cell door were the loud clanks of the door locking behind us, an ominous and unforgettable sound if there ever was one. The family would be taken by van to the witness room, a short drive from the Administration Center to cell block Q.

The witness room was stoic, cold and small. A panel of glass and brown curtains drawn to a close was the only barrier between us and defendant Clarence Hill. We arrived just before 6 P.M. and the Department of Corrections Secretary outlined the sequence of

events that would take place. The defendant would be offered valium (we were told most decline), they are then laid on the gurney where two intravenous needles are inserted, the gurney is placed in front of the panel of glass and at the appointed hour the curtains are opened, the defendant is given a chance to say some final words before being given a drug to induce a deep sleep, a drug to paralyze the muscles is then administered, a final drug is then given to induce the life ending heart attack.

Thinking back only a few short years, one can only imagine the drama surrounding the use of the electric chair, referred to as "Old Sparky". Being a death penalty proponent, it never really mattered to me how the penalty was carried out (as long as it was carried out), however, I can assure you, the intensity of lethal injection is dramatic enough for the staunchest of Death Penalty advocates.

The family took their respective places just before 6 PM, President Lee and I were behind them, you could have heard a pin drop in the room, 6:15, 6:30, 6:45, 7:00 go by, and except for the sound of pencils being scratched across the surface of paper made by the media, the family barely made a move and said nothing to anyone or each other.

I could detect that the family, after attending 24 years worth of one court proceeding after another, was not there to enact revenge, I sensed what they really wanted was closure. Finally at 7:15 PM a Corrections official opened the door and announced that the U.S. Supreme Court had issued a stay of execution. Although disappointed, the family seemed actually resigned to the turn of events; nothing seemed to surprise them anymore. The defendant, having utilized his constitutional rights for 24 years to escape execution, was now proclaiming that lethal injection was cruel and unusual. He certainly never thought of the cruel and unusual punishment he caused to those officers when he shot them in their backs.

I cannot imagine the torment this family has gone through for the past 24 years. Personally, I was angry, not because the execution was not carried out, but because of the lack of compassion shown by the U.S. Supreme Court. Why couldn't the Court produce the stay 24 hours earlier, heck, why not an hour or two earlier. To make this family sit there for over an hour preparing themselves for the final chapter of this horrific nightmare was, well, inhumane in itself.

Although I did not witness the actual execution of Clarence Hill, nothing I witnessed changed my views about the Death Penalty, in fact, I'm more supportive of it today than I was on January 24th. It also reinforced in me the actions we took as a legislature back in 2000 as the correct course. Unfortunately, the Courts have again ignored our actions and thwarted justice.

On the ride home from the airport in Tallahassee, I called my wife Aileen and shared with her the turn of events and my frustration. But the frustration I had was nothing compared to the pain and agony Officer Steven Taylor's family has had to endure for 24 years. A pain and agony, I hope and pray that none of us will ever have to go through.