

Judiciary Committee Chair Humphries and Committee members,

The Libertarian Party of Kansas adamantly opposes HB2782 for two main reasons:

- **Hypoxia is an abhorrent and torturous method to carry out an execution**
- **Removing the check and balance mandating the Secretary of Health and Environment certify the means of execution to be swift and humane is an extremely misguided concentration of power which could be easily abused.**

What is “swift and humane” about this description of the first hypoxia execution by nitrogen gas in the United States?

“[Kenneth Eugene] Smith began to shake and writhe violently, in thrashing spasms and seizure-like movements, at about 7:58 p.m. The force of his movements caused the gurney to visibly move at least once. Smith’s arms pulled against the straps holding him to the gurney. He lifted his head off the gurney and then fell back. The shaking went on for at least two minutes. Hood repeatedly made the sign of the cross toward Smith. Smith’s wife, who was watching, cried out. Smith began to take a series of deep gasping breaths, his chest rising noticeably. His breathing was no longer visible at about 8:08 p.m. The corrections officer who had checked the mask before walked over to Smith and looked at him.” (CHANDLER)

This is torture. Do not wait for a court to rule on this truth when it is plainly here for you to see.

Checks and balances of government power are essential in all levels of government. This is especially true when it comes to administering the Kansas government’s power of execution. Concentrating the approval of the means of execution solely with the Secretary of Corrections by removing the certification requirement of the Secretary of Health and Environment is an extremely alarming proposal.

Should an execution be carried out in Kansas, it must be “swift and humane” as determined by a qualified office other than the department tasked with carrying out the execution.

As you consider this bill on the means of execution, consider a bigger question. Should the State of Kansas be executing anyone at all?

- 195 death sentences in the US have been exonerated.

- 18 wrongful convictions have occurred in Kansas.
- Death penalty cases cost more tax money and resources than life in prison.
- The death penalty has not served as a deterrent to murder.
- Hypoxia method of execution endangers the well being of involved state employees.

The issue is the death penalty itself. The death penalty must be abolished.

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References

- CHANDLER, KIM. 2024. "What happened at the nation's first nitrogen gas execution: An AP eyewitness account." AP News. <https://apnews.com/article/death-penalty-nitrogen-gas-alabama-kenneth-smith-54848cb06ce32d4b462a77b1bb25e656>.
- "Fact Sheets – Handouts." n.d. Kansas Coalition Against the Death Penalty. Accessed February 12, 2024. <https://ksabolition.org/fact-sheets-handouts>.