



League of Women Voters of Ohio

ACTION ALERT: Urge Your Legislator to Oppose HB 663

HB 663 is a piece of legislation being hurriedly pushed through the state legislature. Unless we and others speak up, this legislation could go from introduction to passage in a week, without opportunity for public input. HB 663 would enact a frightening new degree of government secrecy in the context of state executions, and it could - if left unchallenged - expand to other aspects of state government.

LWV Ohio Position on "Secrecy Legislation"

Open government is the cornerstone of effective government and a key ingredient in fostering the public's trust. The League of Women Voters believes that transparency and accountability are in the interest of the government and citizens alike. When government decision-making is transparent, greater understanding is reached and better accountability is ensured.

Background: [HB 663](#)

HB 663 was introduced in the General Assembly on November 10th and would allow companies, including small "compounding pharmacies," that sell drugs to the state for lethal injection to remain secret from the public, media, and even from courts overseeing the execution process. It would also ensure anonymity for members of the execution team and for a doctor who might participate in the process. The bill states that in order to protect people and companies "from harassment and potential physical harm, it is necessary to keep their identities anonymous and absolutely confidential." The bill would make the identities of execution team members and physicians and compounding pharmacies that prepare the lethal doses of drugs exempt from release under public records laws. The legislation further states that not even defense lawyers and judges could obtain the information - not even with a subpoena.

Earlier this year, U.S. District Court Judge Gregory Frost put executions on hold in Ohio until Feb. 11, 2015, because of continued legal concerns. The only execution this year in Ohio was a troubled one. [On Jan. 16, Dennis McGuire choked, gasped and struggled](#) for about 20 minutes during a lethal injection involving two previously untested drugs: midazolam and hydromorphone. This was Ohio's fourth botched execution in recent years. McGuire's two children sued the state, claiming officials violated the constitutional prohibition against cruel and unusual punishment.

Public policy in Ohio historically has required transparency in conjunction with the state's

ultimate exercise of its authority. Rep. Mike Curtin, D-Marble Cliff, questioned the consequences of making secret the state's power of "life and death," a process he said has been public since Ohio conducted executions by hanging. "Why should we be rushing in lame-duck session to pull the shroud of secrecy over this issue?" State policy has always been that executions should be conducted with "as much transparency and public oversight as possible," he said. Such legislation could have tremendous unintended consequences, and time is needed to allow full consideration of the consequences of what the impact of this legislation might be.

LWV members can have their voice heard. Please:

Call your state representative, e-mail them, and put a letter in the mail. In each message make the following brief points, and be sure to give your contact information. End your communication by asking for a response in writing:

- I live in [name of your county] and am a member of the League of Women Voters.
- I urge you **to oppose HB 663 and to stop trying to pass secrecy bills** to help medical professionals and pharmacists violate their code of ethics by participating in executions; LWV has always advocated for transparency and accountability. It is in the best interests of both government and citizens alike.
- Please work to ensure that the recommendations of the Supreme Court Joint Task Force on the Administration of Ohio's Death Penalty **get a full and fair hearing in the legislature**. These recommendations do not include the secrecy provisions of HB 663.

Thank you for taking action! If you receive a response from your legislator, please share it with the LWVO office at lwvinfo@lwvohio.org or 614-469-1505.