

## Competence and cruelty

*by the St. Louis Post-Dispatch*

In the 231-year history of the United States, only once has a federal court banned a doctor from participating in state executions. The doctor was Dr. Alan Doerhoff of Jefferson City, Mo.

Before he was ordered out of Missouri's execution chamber, Doerhoff testified that he is dyslexic and "not good with numbers." Testimony last year showed that he had trouble preparing and administering the sedative used in executions and failed to meet standards called for in execution protocols that he had helped develop earlier.

Now Doerhoff has turned up as part of the secret team that administers the death penalty in federal cases. In fact, he helped develop federal execution procedures. His continuing involvement in executions was disclosed in court filings reported last week in an Indiana case involving condemned prisoners' argument that lethal injection is unconstitutionally cruel because they may not be fully sedated when deadly drugs are sent through their veins.

A similar claim in a different case in 2006 led a federal judge in Missouri to order changes in the state's lethal injection protocol and to bar Doerhoff from future executions. U.S. District Judge Fernando Gaitan Jr. said he was "gravely concerned" about Doerhoff's "confusion with numbers." Doerhoff failed to keep records of how much sedative was used in the 54 deaths he supervised in Missouri.

According to the legal filings in the Indiana case, one unidentified member of the current federal death penalty team participated in a horribly botched execution of a Florida inmate in 2006. The filings also say that Doerhoff is responsible for ensuring that inmates are sedated during federal executions. But Doerhoff is a surgeon, not an anesthesiologist.

In stories published last year, Post-Dispatch reporter Jeremy Kohler unearthed Doerhoff's checkered history. By his own account, Doerhoff has been sued for malpractice more than 20 times. He has been publicly reprimanded by the Missouri Board of Healing Arts and has lost privileges at two state hospitals.

Last month, the U.S. Supreme Court put a hold on plans to execute a Mississippi inmate named Earl Wesley Berry. Berry's guilt is not in doubt. But Berry contends that state execution by lethal injection is cruel and unusual punishment, and the Supreme Court has agreed to consider a similar case from Kentucky in September.

Reasonable people can disagree about the propriety of capital punishment. This page has long opposed it in all circumstances. But reasonable people can agree that if states or the federal government are granted the

power to take a life, it must be done as humanely as possible. Surely the federal government cannot justify conducting executions with a doctor who has been judged so incompetent that he may not do so for the state of Missouri.

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