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May 1, 2014

The Honorable Jeremiah "Jay" Nixon  
Governor of Missouri  
P.O. Box 720  
Jefferson City, MO 65102

Re: **Execution Protocol  
Moratorium and Investigation**

Dear Governor Nixon,

The ACLU of Missouri defends the constitutional rights and civil liberties of all Missourians as guaranteed under the Constitutions of the United States and Missouri. Missourians for Alternatives to the Death Penalty is dedicated to ending the use of the death penalty in the state of Missouri.

On behalf of our thousands of members and activists across the state, we write today to advise you that the State of Missouri must immediately enact a moratorium on executions, pending a full investigation into execution protocols, similar to the one ordered by Oklahoma Gov. Mary Fallin after Oklahoma's botched execution. We urge you to act immediately, before Oklahoma's tragedy is replicated in our state.

**Due Process and Transparency**

If our government is going to mete out the ultimate punishment of taking an individual's life, this act must be accompanied by due process and transparency. Both are lacking in Missouri's current execution protocol.

Oklahoma's science experiment to execute Clayton Lockett was eerily similar to Missouri's recent executions. Like Oklahoma, the Missouri Department of Corrections is also operating under a veil of secrecy. The people being executed by both states have asked for information regarding the drugs to be used to end their lives. The American Civil Liberties Union of Missouri has brought several lawsuits against the Missouri Department of Corrections in an effort to determine the source of the drugs used, as well as the execution protocol in general.

Without full transparency, there is no accountability. And, transparency is necessary so that the people of Missouri might trust their government is carrying out executions in a way that meets constitutional standards and does not inflict unnecessary pain.

**Full and Open Investigation**

A full and open investigation of Missouri's execution procedures must be made before executions are conducted. Failure to do so invites a repeat here in Missouri of the inhumane and unconstitutional execution conducted by Oklahoma. You must impose an immediate moratorium on further executions and mandate an investigation to ensure that proper procedures are in place so future executions—should they occur—would be conducted in a manner that is constitutional.

Sincerely,

Jeffrey A. Mittman  
Executive Director  
ACLU of Missouri

Rita Linhardt  
Chair of the Board  
Missourians for Alternatives to the Death Penalty