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DEPARTMENT OF JUSTICE
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Governor John Bel Edwards
Post Office Box 94004
Baton Rouge, LA 70804-7015

Dear Governor Edwards,

I am in receipt of your letter dated July 19, 2018. Unfortunately, your response merely reaffirms the *status quo* as it focuses on excuses for the past, rather than options for the future.

Your letter correctly acknowledges the participation of my staff in this matter, but it fails to report the offers made toward a solution. Our engagement with the Department of Corrections (DOC) was an attempt to forge a comprehensive strategy that would allow executions to move forward. Several discussions are well-documented; and all were in agreement that viable options exist and are worthy of pursuing.

Moving forward with any of these options required one person's consent: *yours*.

Secretary LeBlanc, however, reported that you were not interested in pursuing any executions. So, unless Mr. LeBlanc has misrepresented your position – I find your statements to be both intentionally misleading and cold comfort to victims' families.

So, I ask you: where do you stand?

If you truly respect the criminal justice system, the rule of law, and the rights of victims – there are a number of initial steps that can be taken:

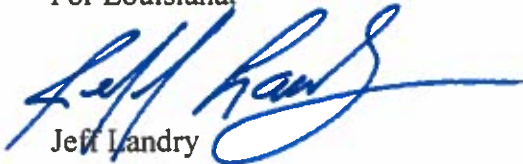
1. Policy Changes and Compounding Drugs. You focus on the challenges in obtaining the drugs necessary to carry out executions; yet you have entirely dismissed the fact that *EIGHT* states have overcome the same obstacles and are carrying out sentences and achieving justice. A review of what other states have done shows that simple changes to DOC policy that expand drug options are a viable path forward. For example, the policy could be changed to expand the single drug protocol to include midazolam – a drug which has survived court challenges to its use. Moreover, the policy – as indicated by DOC – already permits a single-drug protocol using pentobarbital, which can be obtained by compounding. The pharmacy at Angola has compounding capacity, and we would be

willing to work with DOC to avoid any pitfalls that may arise or to find other compounding pharmacies.

2. Changes in the Law. You make the unremarkable observation that other methods of execution “are not allowed by Louisiana law.” While this is true, you avoid the simple truth that *the law can be changed*. This should not come as a revelation, as you have called the Legislature into session for a record-breaking six times to increase taxes by changing tax laws. As such, I would be heartened – as would crime victims’ families – by working together to support legislation that finds a means to end this impasse. Toward that end, I have enclosed draft legislation that would expand the methods of executions and expand confidentiality protections. The draft tracks changes made by other states who hold victims’ rights sacrosanct. I am confident that with both of our support, many legislators will adopt our efforts.

But again, I ask: where do you stand? If you truly stand with crime victims and their families, then you will affirm your support with *action*. I am willing to re-engage my lawyers in *Hoffman* with your unambiguous pledge of support to ending that litigation by any and all means and with a clear, concise directive to move forward with the solutions above.

For Louisiana,



Jeff Landry
Attorney General

Enclosure: Draft Death Penalty Legislation

§ 15:569. Place for *execution* of death sentence; manner of *execution*.

A. Every sentence of death executed in this state prior to September 15, 1991, shall be by electrocution, that is, causing to pass through the body of the person convicted a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of the person convicted until such person is dead. Every sentence of death imposed in this state shall be executed at the Louisiana State Penitentiary at Angola. Every *execution* shall be made in a room entirely cut off from view of all except those permitted by law to be in said room.

B. Every sentence of death executed on or after September 15, 1991, shall be by lethal injection; that is, by the intravenous injection of a substance or substances in a lethal quantity into the body of a person convicted until such person is dead. If lethal injection is held unconstitutional or otherwise becomes unavailable, the method shall be by nitrogen hypoxia. If both lethal injection and nitrogen hypoxia are held unconstitutional or are otherwise unavailable, then the method shall be by hanging, firing squad, or electrocution, in the discretion of the Secretary of the Department of Corrections. Every sentence of death imposed in this state shall be executed at the Louisiana State Penitentiary at Angola. Every *execution* shall be made in a room or area for that purpose, entirely cut off from view of all except those permitted by law to be in said room.

C. No licensed health care professional shall be compelled to administer a lethal injection.

D. Notwithstanding any law to the contrary, a person authorized by state law to prescribe medication and designated by the Department of Corrections may prescribe the drug or drugs necessary to compound a lethal injection. Notwithstanding any law to the contrary, a person authorized by state law to prepare, compound, or dispense medication and designated by the Department of Corrections may prepare, compound, or dispense a lethal injection. For purposes of this section, prescription, preparation, compounding, dispensing, and administration of a lethal injection shall not constitute the practice of medicine, nursing, or pharmacy.

E. All documents and information related to the identity, home, or office, or other personal information of any person, including a pharmacy associated with an agency of state, designated by the Department of Corrections to prepare, compound, dispense or assist in any manner with the administration of a lethal injection shall be confidential. The release of such information by any person in violation of this section shall be punishable by up to two years in prison and fines up to \$50,000. In addition, violation of this section shall constitute a violation of the right to privacy, as guaranteed by the La. Const. Article I, § 5, of any person whose identify or location is revealed by such violation. Any person whose rights under this section are violated may file suit to recover damages from any person or entity who may have participated in disseminating the information. Venue shall be proper where the plaintiff resides.

F. The provisions of the Administrative Procedure Act, *R.S. 49:950*, et seq., shall not apply to the procedures and policies concerning the process for implementing a sentence of death.