

Federal Government Executes the First Prisoner in 17 Years



"You're killing an innocent man," said Daniel Lewis Lee shortly before he was pronounced dead at 8:07 a.m. Tuesday, in the first federal execution in more than 17 years.

Six hours after the Supreme Court rejected the legal challenge on 5-4 vote, federal officials put Daniel Lewis Lee, to death by lethal injection at a penitentiary in Terre Haute, Indiana for his role in the 1996 murder of a family of three.

"I've made a lot of mistakes in my life, but I'm not a murderer," Lee said when asked if he wanted to make a final statement, according to the pool report.

Daniel Lewis Lee, 47 of Yukon, Oklahoma was convicted in 1999 for killing William Mueller, his wife, Nancy, and her 8-year-old daughter, Sarah Powell, in Tilly, Arkansas, about 75 miles northwest of Little Rock, in a 1990s plot to build a whites-only nation in the Pacific Northwest.

Lee had challenged his own execution, along with other death-row inmates, who argued the execution method by using the single drug pentobarbital sodium could cause them to suffer respiratory distress called "flash pulmonary edema."

The court said pentobarbital sodium has been used to carry out more than 100 executions without incident, and it has been "repeatedly invoked by prisoners as a less painful and risky alternative to the lethal injection protocols of other jurisdictions."

The decision to resume the execution also drew scrutiny from the relatives of Lee's victims who had sued to delay and cancel the execution citing concerns about the coronavirus pandemic.

Lee's execution was initially scheduled for 6:00 (20:00 GMT) on 13 July but the last-minute legal question raised by his attorneys led District Judge Tanya Chutkan to put a hold on the procedure over concerns on how executions were to be carried out, and an appeals court upheld it.

"The court... finds that the likely harm that plaintiffs would suffer if the court does not grant injunctive relief far outweighs any potential harm to defendants," the judge said.

Chutkan's ruling was consequently overruled by the Supreme Court, which said: "The plaintiffs, in this case, have not made the showing required to justify last-minute intervention by a Federal Court."

The Supreme Court cleared the way for the resumption of the execution in an unsigned order released after 2 a.m. ET Tuesday.

"It is shameful that the government saw fit to carry out this execution when counsel for Danny Lee could not be present with him, and when the judges in his case and even the family of his victims urged against it," Ruth Friedman, Lee's attorney, said in a statement Tuesday. "And it is beyond shameful that the government, in the end, carried out this execution in haste, in the middle of the night, while the country was sleeping. We hope that upon awakening, the country will be as outraged as we are."

Attorney General William Barr said in a statement Lee "finally faced the justice he deserved. "

Relatives of those killed by Lee in 1996 strongly opposed his execution and long argued that the white supremacist deserved a sentence of life in prison.

"For us, it is a matter of being there and saying, 'This is not being done in our name; we do not want this,'" relative Monica Veillette said.

They argued that Lee's reputed ringleader and co-defender, Chevie Kehoe, received a life sentence.

Chevie Kehoe, 47 of Colville, Washington, recruited Lee in 1995 to join the Aryan Peoples' Republic, his white supremacist organization. In 1997, they were arrested for the 1996 killings of a family of three.

Kehoe was convicted in 1999 and received three sentences of life in prison without the possibility of parole.

Lee blamed an Arkansas judge for ignoring DNA evidence in his case and said he was on the other side of the country at the time of the murder.

He said at one point, "I bear no responsibility" for the murders in his case, according to the pool report.

A U.S. Marshal lifted a black telephone inside the execution room — a small square room inside the prison with green tiles and windows looking at the witness rooms — and asked if there was anything to impede the execution. He said there was not and the execution could proceed.

Lee had a pulse oximeter on a finger of his left hand, and his arms, which had tattoos, were in black restraints. The IV tubes were coming through a metal panel on the wall.

He breathed heavily before the drug was injected and moved his legs and feet. As the drug was being administered, he raised his head to look around. In a few moments, his chest was no longer moving.

Lee was in the execution chamber with two men who the Bureau of Prisons would only identify as "senior BOP officials," a U.S. Marshal and his spiritual adviser, who a Bureau of Prisons spokesperson described as an "Appalachian pagan minister."

One of the senior Prison officials in the room declared Lee's time of death at 8:07 a.m., and the curtain closed.

While federal execution has been in decline nationwide for years, the Justice Department announced its intention last year to bring capital punishment back and to employ a new lethal injection protocol — using a single drug called pentobarbital.

Two other federal executions are scheduled for later this week.