

Richard Glossip Execution Case: A Cat-and-Mouse Game With Justice

By Theodore Dalrymple

If Richard Glossip, convicted of arranging a murder in 1997, is executed in Oklahoma, I believe the United States will have handed an immense propaganda coup to its enemies—and this is so even if he were guilty of the crime of which he is accused, which he has always denied. The enemies will be able to say that the criminal justice system in America is an abomination, and the fact that the system of justice in the enemies' own country is even worse would not be an adequate answer.



A crowd of about 300 gathered for a rally for Oklahoma death row inmate Richard Glossip at the state capitol in Oklahoma City on May 9, 2023. (Michael Clements/The Epoch Times)

I have not myself studied the evidence against Mr. Glossip in detail, where the devil always resides, but some of those who

have, and who are not ideologically driven, have done so and concluded that it is flawed and dubious. The attorney general of Oklahoma himself says that Mr. Glossip did not receive a fair trial, and while none of this is proof of his innocence, it would in the circumstances be an outrage to execute him.

It is already rather odd that the United States seems of late to be incapable of executing a man painlessly, expeditiously, and with certitude. Stories of condemned men waking up at their own executions by injection of supposedly lethal drugs are simultaneously absurd and horrifying, and they put me in mind of a ridiculous experience of my own.

I had arrived in a far-flung place to work as a doctor for a few weeks. My first patient was a cat—if patient is quite the word for it—which its owner wanted me to put down. Whether the cat was suffering greatly, or had done something unforgivable, or whether its owner had simply tired of it, I did not inquire, but the owner obviously regarded my ability to put the cat down as a test of my competence as a doctor.

I had never put down an animal before and had no idea of the pharmacology of cats (animal species vary in their susceptibility to drugs). I injected the poor cat with what I thought would be a fatal dose of drugs, but the animal refused to die. It was possible in that far-flung place in a tropical climate that the drugs had deteriorated, but it was also possible that cats needed far larger doses per pound of weight of the drug to kill it than humans would have done. At the time, there was no internet to look such matters up.

Eventually, I managed to kill the cat with vast quantities of possibly time-expired drugs, but the final insult was that the owner thought that, as a doctor, I must know how to dispose of the body safely, without any risk of spreading infection, and refused to take the dead cat away. My second job as a doctor was to bury the cat at some distance from the clinic. I do not think my reputation was much enhanced by the episode.

But to return to the Oklahoma execution. It is surely obvious that to keep a man under sentence of death for 27 years and then to execute him, possibly incompetently, having given him nine previous execution dates and three last meals, and having already subjected him to two trials for his life because the first was, according to the appeals court, manifestly inadequate, constitutes, if anything does, the cruel and unusual punishment forbidden by the U.S. Constitution. This would still be the case even if he were flagrantly guilty.

What kind of criminal justice system takes 27 years to decide that a man should die, even if he deserves to do so? What kind of criminal justice system plays cat and mouse with a man's life in this fashion? It might be argued that it is a highly scrupulous one, that it wanted to be really, really, really sure a man was guilty, rather than just really, really sure, or really sure, or just sure. This is an avowal of the grossest incompetence.

This seems to me to be so obvious that it should not require a Supreme Court case to decide the matter. It also seems obvious to me that the murder victim's family, however much one might sympathize with it, has, or should have, no standing either for or against the death penalty in the case.

It is precisely to free crime and punishment from the vagaries of personal revenge that courts are instituted. As Francis Bacon put it more than 400 years ago, "Revenge is a kind of wild justice, which the more man's nature runs to, the more ought law to weed it out." It would be a deeply retrograde step if the opinion of a victim's family were canvassed to decide what to do with or to the perpetrator, even if the family pleaded for clemency. Punishment is therapy neither for the criminal nor the criminal's victims, though it is obvious that victims or victims' families are often deeply disturbed by the failure to punish appropriately. They cannot, however, be allowed a share in deciding what is appropriate. In effect, the family of the victim in this case is being allowed to

plead in favor of execution.

There is no doubt, however, that a wrong has been done to that family by the criminal justice system, as it has to the alleged perpetrator. As with the latter, it has been left dangling for 27 years without a final outcome. A wound that might have healed in that time has not been allowed to heal. The chronic uncertainty of the situation, caused by legal incompetence, is what keeps the wound open.

Logically speaking, one swallow doesn't make a summer. Because humans are imperfect and fallible, any legal system that deals with thousands of cases will make mistakes and thereby commit injustices. Nevertheless, the case of Richard Glossip casts a very lurid light on Oklahoma's criminal justice system, even if it is now trying to right its own errors (better late than never). Perhaps unjustly and illogically, the whole of the prestige of the United States is in play, and I believe it will be a disaster if the execution is allowed to go ahead.

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