



Mario Marazziti, of the Vatican-affiliated Sant' Egidio Community, talks to reporters during a press conference in Rome Jan. 23. The organization has lobbied for decades to abolish the death penalty around the world and turned its attention to the scheduled Jan. 25 execution of Kenneth Eugene Smith in what would be the first U.S. execution using nitrogen hypoxia. (AP/Andrew Medichini)



by Michael Sean Winters

[View Author Profile](#)

Follow on Twitter at [@michaelswinters](#)

## [Join the Conversation](#)

January 24, 2024

[Share on Facebook](#)[Share on Twitter](#)[Email to a friend](#)[Print](#)

In 1996, Kenneth Eugene Smith was convicted of [committing a murder for hire](#) in 1988, stabbing Elizabeth Sennett to death on behalf of her husband. The husband died by suicide when he became a suspect in his wife's murder. Smith and John Forrest Parker were sentenced to death for their role in the barbaric murder.

Tomorrow, Jan. 25, it seems likely the state of Alabama will outdo Smith on the barbarism scale, executing Smith with a new method, [nitrogen hypoxia](#). If it works as planned, Smith would become unconscious, [and then it](#) "would cause death by forcing the inmate to breathe pure nitrogen, depriving him or her of the oxygen needed to maintain bodily functions." That is a big "if" because the method has never been tried before.

At least not on humans. A team of veterinarian researchers analyzed various means of euthanizing animals and [concluded in 2020](#) that nitrogen hypoxia was suitable for birds and for pigs under certain circumstances but is "unacceptable for other mammals."

Smith is entitled to some doubts about Alabama's track record on performing humane executions. In November 2022, he was [punctured with intravenous needles](#) for nearly four hours as doctors searched for veins capable of handling the execution cocktail for a lethal injection.

"I was strapped down, couldn't catch my breath," [Smith told NPR's Chiara Eisner recently](#). "I was shaking like a leaf. I was absolutely alone in a room full of people, and not one of them tried to help me at all, and I was crying out for help. It was a month or so before I really started to come back to myself."

Smith's case, as is typical of such situations, is not as cut and dried from a legal perspective. His "initial conviction was overturned by the Alabama Court of Criminal Appeals. In his second trial, the jury recommended 11-1 that Kenny receive a life sentence without the possibility of parole," [according to the Catholic Mobilizing Network](#), the nation's leading anti-death penalty organization. "But the judge overrode this verdict and sentenced Kenny to death, once again."

What is more, according to Catholic Mobilizing Network: "Alabama has since amended its sentencing laws to say that the jury, not the judge, makes the final decision on sentencing in a capital trial." If Smith's second trial happened today, and the jury reached the same conclusion, he would not be on death row at all.

There are so many reasons to stop the execution that are particular to this case, it is remarkable that we are even discussing it. Still, the most important reason to stop the execution is not because of what it does to Smith but what it does to us. It turns us into barbarians.

## Advertisement

Alas, America in 2024 is not allergic to barbarism and our culture has long since stopped evidencing any particular concern for human life.

When asked earlier this month in a radio interview about his fight with the Biden administration over how to handle migration, [Texas Gov. Greg Abbot said](#), "The only thing that we're not doing is we're not shooting people who come across the border, because of course, the Biden administration would charge us with murder."

The violence in our cities and in our schools has not caused a single prominent Republican politician in the pro-gun caucus to reevaluate their stance.

Pro-choice Democrats vie with each other for who can craft and adopt the most extreme laws, eliminating any restrictions on abortion.

Assisted suicide laws [stalled in the U.S. last year](#) but our neighbors to the north are planning to extend their law to allow people with mental illness [to sign up](#) for state-sponsored, doctor-administered, death.

Rome had its gladiators and America has professional wrestling and mixed martial arts.

The internet is littered with videos of school kids beating up other kids, people getting beaten up on the street by thieves.

Last Sunday, at Mass, [the first reading](#) told of the prophet Jonah warning the city of Nineveh to turn away from its sins: "Jonah began his journey through the city, and had gone but a single day's walk announcing, 'Forty days more and Nineveh shall be

destroyed,' when the people of Nineveh believed God; they proclaimed a fast and all of them, great and small, put on sackcloth."

Americans are not likely to start fasting anytime soon. We have no sackcloth. We cherish our indifference to human life and we enjoy our barbarism. Smith is the most obvious and immediate victim, but it is the rest of us who will be judged too, and judged by what we do to him.