

## **Death Penalty – A Bad Idea!**

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On March 18, 2009, Governor Bill Richardson signed the bill to repeal the death penalty for the State of New Mexico. We are now the 15<sup>th</sup> State and the District of Columbia that do not have a death penalty. Through our State Catholic Conference, the three Bishops of New Mexico had urged the State Legislature to do away with capital punishment. Finally, after years of effort we were able to work with other groups and with the Legislators to encourage that a law be passed repealing the death penalty. Governor Richardson, in the past, had been supportive of capital punishment but finally was able to change his position to sign the repeal. He and I spoke a number of times in private about this change in his approach to the matter.

We are deeply saddened by the heinous acts of violence experienced by so many people in our society because of criminal activity. Our hearts go out to the victims of crime and their loved ones and we offer our heartfelt sympathy. We pray for God's healing hand to come upon them. But the execution of a dangerous criminal will not bring back a loved one who was killed. Why not mandate a lifetime of imprisonment without parole so that the criminal can contemplate the horrendous evil that has been done so as to generate true repentance and a desire for forgiveness?

There are many reasons why the death penalty should be repealed. First, it is cruel and unnecessary. Why do we kill people who kill people to show that killing people is wrong! We can protect society without executing a human being. Certainly there are dangerous people who should be incarcerated. Life imprisonment without parole protects innocent citizens without having to resort to execution. Our modern prison system is most capable of effectively keeping those convicted incarcerated. The public is protected thereby, from harmful criminals.

The cruelty of botched executions has shown a light on the situation. Last September in an Ohio prison Romell Broom was to be put to death by legal injections. Technicians spent two hours attempting to reach a vein on Mr. Broom's arms and legs before they finally gave up and sent him back to his cell on death row. The lethal injection resulted in 18 wounds on his body! It was the third botched execution in the State over the past four years. Most civilized nations have given up capital punishment years ago. Most Countries in Europe haven't had the death penalty since the Second World War. By allowing the death penalty in the United States we are in the company of Countries as China, North Korea, and Iran! According to the National Geographic, August '09, there were 2,390 executions in 2008 in 25 Countries. The United States has the 5<sup>th</sup> largest number of executions in the world. But as more nations see the death penalty as cruel and unnecessary the use of it is certainly decreasing. We can hear the death toll for the death penalty!

Secondly, criminology experts tell us that the death penalty does not deter people from committing murder. Sixty-eight percent (68%) of these experts state that it is totally inaccurate or largely inaccurate to hold that the death penalty significantly reduces the number of homicides. (The source: Northwestern University School of Law Journal of Criminal Law and Criminology 2009.)

Thirdly, there is the innocence issue. There are a number of people who have been put to death who were later proven to be innocent. This has become an increasingly important factor in the shift of public opinion away from supporting the death penalty. DNA evidence has proven that some of those condemned to death were innocent of the crime they were accused of! Since 1973 when executions became legal again, after a seven year moratorium, the number of exonerations has risen to 138 – eight of them in 2009 alone. Most of those exonerated were members of racial minorities; 42% of those on death rows around the Country are African American. Race is indeed a factor in the imposition of the death penalty. The death penalty has been discriminatory against the poor, the indigent and racial minorities.

An article in America Magazine, October 26, 2009, on the death penalty points out that studies over the past two decades have shown that people convicted of killing Anglo Americans were three times more likely to be sentenced to death than those convicted of killing African Americans.

Fourth, capital punishment has been shown to actually cost more than life imprisonment. This is because of the legal appeals and the need for attorneys to represent the convict. Death row inmates wait four years on average before being assigned an attorney for the first appeal. Lawmakers in California are looking carefully at saving money by eliminating capital punishment in favor of life imprisonment which is shown to be less expensive!

Fifth, Church teaching opposes capital punishment. The Bishops of the United States have for many years spoken out against capital punishment. In his 1995 encyclical, *Evangelii Vitae*, Pope John Paul II emphasized the Church's teaching. He said, "There is a growing tendency, both in the Church and in civil society, to demand that (the death penalty) be applied in a very limited way or even be abolished completely."

In our September 1991 statement, *Political Responsibility: Revitalizing American Democracy*, we Bishops wrote, "In view of our commitment to the value and dignity of human life we oppose the use of capital punishment. We believe that a return to the use of the death penalty is leading to, indeed can only lead to, further erosion of respect for life in our society. We do not question society's right to punish the offender, but we believe that there are better approaches protecting our people from violent crime than resorting to executions. In its application, the death penalty has been discriminatory towards the poor, the indigent and racial minorities. Our society should reject the death penalty and seek methods of dealing with violent crime which are more consistent with the Gospel vision of respect for life and Christ's message of healing love."

The Holy Father and the Bishops have been strongly pro-life throughout the Church's teaching ministry. The Catholic Catechism, Second Edition, says, "The cases in which the execution of offenders is an absolute necessity are very rare, if practically nonexistent." (#2267, Paragraph 3)

Capital punishment is indeed a pro-life issue. We have a strong respect for the dignity of human life from conception to natural death. When life is disrespected any place along the spectrum then all human life is disrespected. Since we believe in the consistent ethic of life, we should include capital punishment as well as the other issues. We are made in the image and likeness of God and each human life counts.

Some might say making the death penalty a pro-life issue somehow lessens our opposition to abortion. Nothing could be further from the truth. The two are not the same, as the teachings about abortion are clearly stronger. Abortion is never allowed as it is killing innocent human life. But, capital

punishment is indeed a pro-life issue too, as our Holy Father has stated clearly. The Pope himself successfully urged the computation of the death sentence during his visit to St. Louis several years ago.

The number of executions has dropped in the United States. The 37 executions in 2008 mark a 14-year low, underscoring a downward trend that reflects a change in public opinion. Although a Gallup Poll last year found that a majority still support capital punishment, support declined from 80% in 1994 to 64% in 2008. Support drops whenever the alternative is proposed of life imprisonment without the possibility of parole.

For these reasons and others the New Mexico State Legislature, last year, voted to repeal the death penalty. After the bill was signed by Governor Richardson we received an invitation from the Comunitá de Sant' Edigio in Rome to come to Rome to celebrate the victory over the death penalty. The Comunitá de Sant' Edigio is a group of Italian Catholic laymen who honor any Country or State that repeals the death penalty because it is seen as a sign of growth in human decency and humanity. The Governor and I and several of our staff members went to Rome last April and were honored by the Comunitá de Sant' Edigio. They had a celebration in the evening at the Coliseum with a press conference and the Mayor of Rome was part of the ceremony. The Governor and I both spoke and the lights of the Coliseum were turn on in honor of New Mexico. The Governor is very pleased with his decision to support the abolition of capital punishment.

During the New Mexico State Legislature last year, we were able to win not only the repeal of the death penalty. We also defeated the funding of embryonic stem cell research at the University of New Mexico, a local version of FOCA and assisted suicide. We defended the innocent life of the human embryo and the less than innocent life of the criminal! All on the basis of the consistent ethic of life that defends life from conception to natural death. And the New Mexico Legislature heard our message!

I believe in building bridges. We have other churches and groups that agree with us that capital punishment is wrong. The New Mexico Conference of Churches, mostly main line churches, stand with us at the Legislature and in letters to the editors of local papers in favor of the repeal. On the other pro-life issues and on traditional marriage and family life, we got the Evangelicals and Baptists to work with us to defeat same sex unions and embryonic stem cell research. Bridge building enabled us to succeed in these areas. It is important to use op-ed pieces in the diocesan and secular papers and to use the internet to build support too.

My hope is that there will be continued success in our Country as more States abolish the death penalty.

I encourage you, law students here at the University of Notre Dame, to work with your friends and fellow citizens to build a climate of respect for life that includes opposition to capital punishment. I believe that the case against the death penalty will continue to grow stronger in the days to come. I look forward to that time when it is not allowed in the United States. The dignity of human life at all levels calls for a more humane way of life. Let us all work together for this goal!

Sources:

Catechism of the Catholic Church, Second Edition, # 2267, Paragraph 3

America Magazine Editorial, October 26, 2009

Texas Catholic Newspaper, October 2, 2009, Article on Capital Punishment

National Geographic, August 2009