

## **Condemned to Die**

### **A conversation about the death penalty**

#### **Some Facts About the Death Penalty** *(from the Death Penalty Information Center)*

- 35 states have the death penalty; 15 do not.
- Recent Supreme Court decisions have limited the use of the death penalty by declaring it unconstitutional to execute persons with mental retardation and juveniles under the age of 18, or to impose the death penalty when no murder occurred or was intended. The court has also ruled that defendants are entitled to have a jury decide whether to impose the death penalty.
- Approximately 3,300 inmates are on death row in 35 state, military, and federal prisons, included 339 in TX (Oct 2009).
- Since 1973, there have been 139 exonerations of death row inmates, including 11 in TX.
- Since 1976, there have been a total of 1,193 executions in the US; Texas has the highest number with 460, included 24 in 2009 and 14 in 2010.
- The California death penalty system costs taxpayers \$114 million per year beyond the costs of keeping convicts locked up for life (L.A. Times, March 6, 2005). In Indiana, the total costs of the death penalty exceed the complete costs of life without parole by about 38 percent, assuming that 20 percent of death sentences are overturned and reduced to life (Indiana Criminal Law Study Commission, January 10, 2002).
- Blacks constitute 12.9% of the US population, but 42% of death row inmates. Over 90% of those on death row across the country were too poor to afford their own attorney. Over 80 %of those executed in the US were convicted of killing a white person, even though African Americans are the victims in at least half of all homicides.

#### **The Teaching of the Catholic Church**

*What is the Catholic Church's position on the use of the death penalty?*

At the heart of Catholic teaching on the death penalty is the belief that "*Human life is sacred* because from its beginning it involves the creative action of God and it remains for ever in a special relationship with the Creator, who is its sole end. God alone is the Lord of life from its beginning until its end: no one can under any circumstance claim for himself the right directly to destroy an innocent human being." (Catechism #2258).

Regarding the death penalty, the Catechism of the Catholic Church states:

"Assuming that the guilty party's identity and responsibility have been fully determined, the traditional teaching of the Church does not exclude recourse to the death penalty, if this is the only possible way of effectively defending human lives against the unjust aggressor.

If, however, non-lethal means are sufficient to defend and protect people's safety from the aggressor, authority will limit itself to such means, as these are more in keeping with the concrete conditions of the common good and more in conformity with the dignity of the human person.

Today, in fact, as a consequence of the possibilities which the state has for effectively preventing crime, by rendering one who has committed an offense incapable of doing harm - without definitively taking away from him the possibility of redeeming himself—the cases in which the execution of the offender is an absolute necessity "are very rare, if not practically non-existent" (Catechism #2267).

*"The right to life must be recognized in all its fullness. In this context, I joyfully greet the initiative by which Mexico, abolished the death penalty in 2005."*

Pope Benedict XVI, July 2009

Fr. David remarked that the teachings of the Church are consistent. The opposition of the Church to the use of the death penalty is rooted in her teaching about the respect of the life and the dignity of the human person (first key principle of the Catholic Social Teaching). However the Church also recognizes the right to defense life, and this can sometime create tension between these two principles. Therefore, the Church does not oppose to the death penalty, in order to preserve the right of self-defense, but opposes to *the use* of the death penalty, because in the current situation in most developed countries do not justify capital punishment. However there might be some circumstances in some parts of the world that might justify the use of the death penalty.

Fr. David also commented about the difference between the death penalty and the abortion issues. Abortion can *never* be justified and is considered intrinsically evil by the Church. In the case of death penalty, as mentioned before, although practically inexistent there might be some circumstances that justify its use and therefore death penalty is considered circumstantially evil.

Utah Bishop John C. Wester commented recently that the Church's opposition to death penalty is based on its 'seamless garment' teaching. "The seamless garment theory," he said, "is rooted in the sanctity of life. If all human life is sacred, that is true in all cases. We're against abortion; we're against euthanasia; we're against the death penalty. I don't see how you can pick and choose."

#### *Catechism of the Catholic Church about Legitimate defense*

The legitimate defense of persons and societies is not an exception to the prohibition against the murder of the innocent that constitutes intentional killing. "The act of self-defense can have a double effect: the preservation of one's own life; and the killing of the aggressor. . . . The one is intended, the other is not. (# 2263)

Love toward oneself remains a fundamental principle of morality. Therefore it is legitimate to insist on respect for one's own right to life. Someone who defends his life is not guilty of murder even if he is forced to deal his aggressor a lethal blow:

If a man in self-defense uses more than necessary violence, it will be unlawful: whereas if he repels force with moderation, his defense will be lawful. . . . Nor is it necessary for salvation that a man omit the act of moderate self-defense to avoid killing the other man, since one is bound to take more care of one's own life than of another's. (# 2264)

Legitimate defense can be not only a right but a grave duty for one who is responsible for the lives of others. The defense of the common good requires that an unjust aggressor be rendered unable to cause harm. For this reason, those who legitimately hold authority also have the right to use arms to repel aggressors against the civil community entrusted to their responsibility. (#2265)

The efforts of the state to curb the spread of behavior harmful to people's rights and to the basic rules of civil society correspond to the requirement of safeguarding the common good. Legitimate public authority has the right and the duty to inflict punishment proportionate to the gravity of the offense. Punishment has the primary aim of redressing the disorder introduced by the offense. When it is willingly accepted by the guilty party, it assumes the value of expiation. Punishment then, in addition to defending public order and protecting people's safety, has a medicinal purpose: as far as possible, it must contribute to the correction of the guilty party. (# 2266)

*Excerpts from “Evangelium Vitae” (The Gospel of Life) Pope John Paul II, 1995*

Moreover, "legitimate defense can be not only a right but a grave duty for someone responsible for another's life, the common good of the family or of the state." Unfortunately, it happens that the need to render the aggressor incapable of causing harm sometimes involves taking his life. In this case, the fatal outcome is attributable to the aggressor whose action brought it about, even though he may not be morally responsible because of a lack of the use of reason. (#55)

This is the context in which to place the problem of the death penalty. On this matter there is a growing tendency, both in the church and in civil society, to demand that it be applied in a very limited way or even that it be abolished completely. The problem must be viewed in the context of a system of penal justice ever more in line with human dignity and thus, in the end, with God's plan for man and society. The primary purpose of the punishment which society inflicts is "to redress the disorder caused by the offense." Public authority must redress the violation of personal and social rights by imposing on the offender an adequate punishment for the crime, as a condition for the offender to regain the exercise of his or her freedom. In this way authority also fulfills the purpose of defending public order and ensuring people's safety, while at the same time offering the offender an incentive and help to change his or her behavior and be rehabilitated.

It is clear that for these purposes to be achieved, the nature and extent of the punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender except in cases of absolute necessity: In other words, when it would not be possible otherwise to defend society. Today however, as a result of steady improvements in the organization of the penal system, such cases are very rare if not practically nonexistent.

In any event, the principle set forth in the new Catechism of the Catholic Church remains valid: "If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority must limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person." (#56)

**FAQ** (from [www.usccb.org/deathpenalty](http://www.usccb.org/deathpenalty))

*Catholic teaching says that the situations in which the death penalty can be used are “rare, if not practically non-existent.” Wouldn’t cases of heinous crimes, such as 9/11, be examples of the “rare” cases?*

The test of whether the death penalty can be used is whether society has alternative ways to protect itself, not how terrible the crime was. Life in prison without parole provides a non-lethal alternative to the death penalty. We can't know whether God has a purpose for a person's life, even one who has committed a terrible crime and must spend his or her life behind bars.

*Does life in prison without parole really work or are those convicted sometimes released?*

Life in prison without parole means that the convicted person is not eligible for parole and cannot be released.

*I understand that in the past innocent people were sentenced to death, but now that DNA is available, isn't this avoidable?*

DNA evidence only exists in about 5-10% of criminal cases (10-15% of death penalty cases). Where it is available, it is still subject to contamination and human error. The risk of an erroneous conviction is still significant.

## What You Can Do

As part of the Catholic Campaign to End the Use of the Death Penalty you can:

**Pray** for victims of crime and their families, those who have been wrongly convicted, and those awaiting execution.

**Learn** about Catholic social teaching, U.S. criminal justice policies, and the policies in your state by visiting the web sites [www.usccb.org/deathpenalty/](http://www.usccb.org/deathpenalty/), [www.moratoriumcampaign.org/](http://www.moratoriumcampaign.org/), [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org) and [www.amnesty.org](http://www.amnesty.org) for more information about the death penalty.

**Educate** people in your parish or community about Catholic social teaching and the criminal justice system. Visit the US Bishop web site [www.usccb.org](http://www.usccb.org) and read the 2005 U.S. bishops' statement on the death penalty: "A Culture of Life and the Penalty of Death" ([www.usccb.org/sdwp/national/penaltyofdeath.pdf](http://www.usccb.org/sdwp/national/penaltyofdeath.pdf))

**Advocate** by contacting your elected officials. Visit the Texas catholic Conference website for info ([www.txcatholic.org/home.asp#axzz0tE1O1eKH](http://www.txcatholic.org/home.asp#axzz0tE1O1eKH)). Discuss Catholic teaching on the death penalty and what steps could be taken at the state and national level to curtail or end its use.

**Join the Catholic Mobilizing Network** for the *Catholic Campaign to End the Use of the Death Penalty* to receive regular updates and information on what you can do to bring an end to the use of the death penalty in the United States. Go to [www.catholicmobilizing.org](http://www.catholicmobilizing.org) for more information.

*Ending the death penalty would be one important step away from a culture of death and toward building a culture of life.*

United States Catholic Bishops, 2005. A Culture of Life and the Penalty of Death

## Prayer Against the Use of the Death Penalty

(adapted from Bill Griffin, CFX & Sr. Katherine Feely, SND)

Gracious God, Source of all Life,  
 You bestow your life and love on each of us  
 and call us to be a just and merciful people.  
 Guide our efforts to work for justice in our legal system.  
 Strengthen the resolve we need to stand against the use of the death penalty  
 and continue the work for more just laws that respect the life and dignity of every person.

We pray to you, God of Justice and Mercy,  
 For justice that restores right relationships  
 while we work to address the root causes of violence.

Inspire our collective efforts to enact laws that safeguard the human rights of all:  
 that honor the victims,  
 that protect the community,  
 that hold the perpetrators accountable,  
 that promote restorative justice not vengeance.

God our Redeemer, stir our minds and hearts  
 to act today to speak out against the use of the death penalty  
 and to unite in solidarity with others who strive to defend and uphold the sanctity of all life.  
 We ask this Source of All Being, Eternal Word and Holy Spirit. Amen.