Renewing a Culture of Life

The Death Penalty, Restorative Justice & Catholic Social Teaching
Front Cover: The “Tree of Life” window, designed by Theodore Bailey (1920s), adorns the Chapel of St. David at Caldey Abbey. Recalling the three crosses of Calvary, and suggesting the life of the Holy Trinity, it symbolizes our Creator’s abiding grace and mercy, breathing life and light into the world. Image published with the permission of Caldey Abbey, Wales, U.K.
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Table of Contents

Preface 2
A Moment of Truth 3
Death Penalty in the U. S. 4
Declining Use 5
Catholic Social Teaching and the Death Penalty

Sacred Scripture 6
Papal Appeals 7
A Life Issue 8
The Catechism 9
Statements of the Bishops 10
Restorative Justice 11
Death Penalty Facts 12
The Catholic Community 13
Conclusion 14
Notes / Resources 15
Preface

With a 2005 statement *A Culture of Life and the Penalty of Death*, the United States Conference of Catholic Bishops launched a Campaign to End the Use of the Death Penalty in the United States.*

The bishops’ call to action resonated in the hearts and consciences of many U. S. Catholics and, in 2009, the Catholic Mobilizing Network to End the Use of the Death Penalty (CMN) was inaugurated. Since then, CMN has worked closely with the USCCB to lift up Church teaching in the matter of the death penalty, and to clearly convey that teaching to the Catholic faithful.

This booklet is a publication of CMN, produced in close collaboration with USCCB’s Department of Peace, Justice & Human Development and offered in the spirit of *A Culture of Life and the Penalty of Death*. Its purposes are to incorporate recent papal statements on the issue, to record the gains that have been made toward the goal of ending capital punishment in the United States, and to provide data related to this progress. Generally speaking, the booklet aspires to fully embrace the commitment to the sanctity of human life that is central to the bishops’ 2005 statement:

This initiative is not about ideology, but life and death. In his encyclical, *The Gospel of Life*, Pope John Paul II told us that we have an “inescapable responsibility of choosing to be unconditionally pro-life.” This Catholic campaign brings us together for common action to end the use of the death penalty, to reject a culture of death, and to build a culture of life. It poses an old and fundamental choice:

“I have set before you life and death, the blessing and the curse. Choose life, then, that you and your descendants may live.”

(*Dt 30:19*)

* Excerpts from *A Culture of Life and the Penalty of Death*
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A Moment of Truth

This booklet highlights the struggle between the culture of life envisioned in Catholic social teaching and the violence that is often glorified and imbedded in life in the United States today, specifically, as the struggle relates to the use of the death penalty.

Repeatedly since their seminal 1980 “Statement on Capital Punishment,” the U. S. Bishops have called for an end to the death penalty, stressing across those intervening years that values of the highest importance are at stake: Respect for the sanctity of human life, the protection of society, and the achievement of justice through fair legal procedures and humane penal processes.

The Catholic Church proclaims that all human life is sacred; upon this belief the Church’s vision of society is founded. The measure of every institution in society, then, is whether it threatens or enhances the life and dignity of the human person. Yet these same institutions can contribute to the growth of criminal activity; evil and human freedom can interact in mysterious ways. Penalties for crimes should not simply punish the offender or retaliate because, as St. Thomas Aquinas has taught: “This is not the era of retribution; rather [punishments] are meant to be corrective by fostering either the reform of the sinner or the good of society.”

The Church is calling for common action in the Catholic community, especially at parish and state levels, to bring an end to the use of the death penalty in the U.S. Today there is a serious re-examination of the death penalty – its fairness and effectiveness – and a growing number of states are repealing its use. Catholic support for the death penalty has dropped significantly. During the five-year period 2007-2012, five states with large Catholic populations (namely, Connecticut, Illinois, New Jersey, New Mexico and New York) have repealed their death-penalty statutes. The time for increased efforts, for new state initiatives, is at hand.

Now is a moment of truth.
The United States and the Death Penalty

Although statistics show that the use of the death penalty is on the decline in the U.S. (Boxes, pp.4-5), its use is embedded in the history and culture of the country. The death penalty in the U.S. is not just a legal or political matter, it is intertwined with our faith and beliefs.

Eighty-two percent of all executions since 1976 have taken place in the Southern states (Box, this page). There are Christian people in our country who believe in the sanctity of life but have contrasting positions on the use of the death penalty. For some, the murderer forfeits his own right to live; whereas, Catholic teaching holds that no matter how heinous the crime, the life of the offender retains its God-given worth.

Throughout the country, racial prejudice also underlays many death sentences. Of the 15,978 executions in U.S. history up to 1989, only 30 were for crimes by whites against blacks. Of the 1,288 executions from 1976 to July 19, 2012, 1,066 were in Texas; 109 in Virginia; and 99 in Oklahoma. There were 4 executions in the Northeast since 1976. The death penalty in the United States remains deeply entrenched and flawed.

Everyone agrees that innocent persons should not be put to death for crimes they did not commit; and, thanks to DNA testing, today grave errors in sentencings are being avoided or reversed. Yet, even if the judicial process was without flaws and death sentences were perfectly applied, Catholic teaching would still oppose the death penalty precisely because all human life is sacred.

The Death Penalty in the United States

33 states have the death penalty. 17 do not: AK, CT, HI, IL, IA, ME, MA, MI, MN, NJ, NM, NY, ND, RI, VT, WV, WI, and DC.

Executions -- From 1976 through July 19, 2012, 1,288 men and 12 women were executed.

Executions by Region -- 82% (1,066) were executed in the South. Of these, 483 were in Texas; 109 in Virginia; and 99 in Oklahoma. There were 4 executions in the Northeast since 1976.

Current Death Row -- Approximately 3,168 await execution: 42% black, 43% white, 12% Hispanic, 3% other.

-- Death Penalty Information Center Fact Sheets, July 2012.
CATHOLIC ATTITUDES ON THE USE OF THE DEATH PENALTY

Declining Support -- Catholic support for the use of the death penalty has dropped significantly -- from over 70% in the late 1990s to now less than half or 48%.

Less Intense Support -- A third of Catholics who once supported the penalty now oppose it. The percentage of Catholics who were “strongly supportive of the use of the death penalty” has dropped to 20%.

Mass Attendance -- Regular churchgoers are more likely to oppose the use of the death penalty (53%) than those who attend less frequently (48%).

Younger Catholics -- Catholics 18 to 29 yrs. old are less likely to support the penalty than those over 30.


DECLINE IN USE IN THE UNITED STATES

Executions Down -- The number of executions has declined each year since 2000 to 43 in 2011, a 56% drop since 1999 when there were 98. California, with 725 on death row, has not executed anyone since 2006.

Death Rows Shrink -- In 2000, there were 3,601 people on death row in the United States. By 2005, that number had dropped to 3,452. In July 2012 there were 3,168 persons, approx., on death row; 62 were women.

Fewer Death Sentences -- Until the late 1990s, 300 defendants on average were sentenced to death each year. In 1999, 277 persons were sentenced to death; in 2003, 144 were sentenced to death, a 50% drop from 1999; and in 2011, 78 were sentenced to death, a 54% drop from 2003.

Exonerations -- As of June 2012, 140 persons on death row have been exonerated, often through DNA evidence. From 1973-1999, there averaged 3 exonerations per year; from 2000-2011, there were 5 per year.

U.S. Supreme Court Limits the Penalty

Citing evolving standards of decency,

- the Court ruled in 2002 that mentally retarded persons Atkins v. Virginia were no longer eligible.
- In 2005, Roper v. Simmons struck down the death penalty for crimes committed as juveniles (18 yrs.) since 1976. Since 1976, 22 had been executed for these crimes, all in the South. The ruling on juveniles freed 72 inmates from death row in 2005.
- In 2002, Ring v. Arizona ended the practice of having a judge, rather than a jury, impose a death sentence.

-- Death Penalty Information Center Fact Sheets, 2012
Sacred Scripture

In their pastoral statement, *A Culture of Life and the Penalty of Death*, the U.S. Catholic bishops stated, “While the Old Testament includes some passages about taking the life of one who kills, the Old Testament and the teaching of Christ in the New Testament call us to protect life, practice mercy, and reject vengeance.”

The opening chapters of the Book of Genesis teach that every life is a precious gift of God (Gn 2: 7, 21-23). And God said, “Let us make man in our image and likeness.” Later, when Cain killed Abel, God did not end Cain’s life. Instead, God sent Cain into exile, not only sparing his life but protecting it by putting “a mark on Cain, lest anyone should kill him at sight” (Gn 4: 15).

In Exodus 21: 23-25, “life for life, eye for eye, tooth for tooth” correctly interpreted is meant to limit retaliation, not to replicate the crime. In Matthew 5: 38-42, Jesus admonishes us not to engage in any retaliatory punishment at all, but to “turn the other cheek” and to “do good to those who persecute you.”

Dale Recinella, a scholar of the death penalty in scripture and frequent panelist on Vatican radio, has concluded that, of the forty-four standards in the Bible that regulate the use of the death penalty, the U.S. application fails to comply with any of them. For example, circumstantial evidence and confessions are prohibited in the Bible but not in U.S. courts.4

Jesus refused to stone to death the woman caught in adultery (Jn 8: 1-11), reminding us to be cautious in judging others and to have hope in the possibility of reform and redemption. He was perhaps echoing Ezekiel 33: 11: “I the Lord have no pleasure in the death of the wicked,…but that they may turn from their way and live.” In his Letter to the Romans, St. Paul sums up the Old and the New Testament teachings: “Do not repay injury with injury….for it is written, ‘Vengeance is mine, says the Lord.’” (Rm 12: 17-18)
Papal Appeals to End the Death Penalty

**Pope Benedict XVI**

made appeals to stop the execution of Troy Davis, who was executed in September 2011 in Georgia, and to end the use of the death penalty. The pope appealed to the Sant’Egidio Community in Rome and after the African Synod in Benin, both occasions in November 2011 (excerpted):

“I express my hope that your deliberations will encourage the political and legislative initiatives being promoted in a growing number of countries to eliminate the death penalty and to continue the substantive progress made in conforming penal law both to the human dignity of prisoners and the effective maintenance of public order.” [To the Sant’Egidio Community]

“Rising crime rates in increasingly urban societies are a cause of great concern for all leaders and governments.... Prisoners are human persons who, despite their crime, deserve to be treated with respect and dignity. They need our care. With this in mind, the Church must provide for pastoral care in prisons, for the material and spiritual welfare of the prisoners. This pastoral activity is a real service that the Church offers to society, and it is one that the state should support for the sake of the common good.

“Together with the Synod members, I draw the attention of society’s leaders to the need to make every effort to eliminate the death penalty and to reform the penal system in a way that ensures respect for the prisoners’ human dignity. Pastoral workers have the task of studying and recommending restorative justice as a means and a process for promoting reconciliation, justice and peace, and the return of victims and offenders to the community.” [Africae Munus, art. 83]

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**Blessed Pope John Paul II**

“The new evangelization calls for followers of Christ who are unconditionally pro-life: to end the death penalty, which is both cruel and unnecessary.” St. Louis, MO 1999.

Pope John Paul II meeting with his would-be assassin, Mehmet Ali Ağca. At the pope’s request, Ağca was pardoned and returned to Turkey in 2000.
The Death Penalty, a Life Issue

The documents of the Second Vatican Council are clear on the sanctity of life: “It is necessary to distinguish between error, which always merits repudiation, and the person in error, who never loses the dignity of being a person” (Gaudium et Spes, 28).

Not all persons are innocent but all persons are sacred.
It is this most basic understanding that establishes ending the death penalty as a pro-life issue.

In their landmark 1980 Statement on Capital Punishment, the U.S. Catholic bishops noted that by opposing the death penalty they sought to remove any doubts that might arise about the sanctity of human life in all its stages – including the unborn, the aged and the infirm. “It is the recognition of the dignity of all human beings,” the bishops said, “that has impelled the Church to minister to the needs of the outcast and the rejected and that should make us unwilling to treat the lives of even those who have taken human life as expendable or as a means to some further end.”

God, the Lord of Life

“God is indeed the Lord of life,” the bishops asserted further in their Statement. Well-intentioned human beings are error-prone and can authorize death sentences based on faulty judgment, racial bias, and the inaccuracies of eyewitnesses. The death penalty as a final solution disallows for the human freedom to repent, reform and make restoration. The capacities of God’s love and mercy for each human being, on the other hand, are infinite: “I will heal their defects, says the Lord, I will love them freely; for my wrath is turned away from them. I will be like the dew and they shall blossom like the lily.” (Hosea 14: 4-5)

WRONGLY CONVICTED

“In 1984, I was wrongfully convicted and sentenced to death for the rape and murder of nine-year-old Dawn Hamilton in Baltimore, Maryland. I spent almost nine years behind bars before DNA testing proved my innocence. In that time, my life had been taken from me and destroyed.

“The Catholic Church provided me with essential support in my time of need, and I converted to Catholicism in 1989, while I was serving time behind bars.”

--Kirk Bloodsworth. Kirk is the first person to be exonerated through DNA testing.
In its traditional teaching as summarized in the *Catechism of the Catholic Church*, the Church affirms the right and duty of legitimate public authority “to inflict punishment proportionate to the gravity of the offense” (*no. 2266*). The Church also teaches that in contemporary society where the state has other non-lethal means to protect its citizens from offenders, the state should not use the death penalty.6

> "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." *No. 2267*

An outspoken critic of the death penalty, Pope John Paul II also asserted in his encyclical *The Gospel of Life* that punishment “ought not to 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 non-existent.”7

Some ask whether those who commit the most heinous crimes or who are found guilty of repeated violence constitute the “rare” occasions when the death penalty is appropriate. According to *The Gospel of Life*, the existence of a “rare” occasion when the death penalty may be used is not determined by the gravity of the crime but by whether “it would not be possible otherwise to defend society.” No matter how heinous the crime, then, if society can protect itself without ending a human life, it should do so.

**The Sacrament of Penance** teaches us about:

- **Confession**: Genuine sorrow, regret or grief over one’s wrongs and a serious resolution not to repeat the wrong.
- **Confession**: Clear acknowledgment and true acceptance of responsibility for the hurtful behavior.
- **Satisfaction**: An external sign of one’s desire to amend one’s life: prayers or good deeds; a form of compensation or restitution for the harm caused.
- **Absolution**: Jesus, through the ministry of the priest, forgives the sin and welcomes the person back into communion.
Adapting the *Catechism* to present day U.S. society, the bishops have expressed the Church’s teaching on the death penalty concisely in this statement from *A Culture of Life and the Penalty of Death*:

“Our nation should forgo the use of the death penalty because

- The sanction of death, when it is not necessary to protect society, violates respect for human life and dignity.
- State-sanctioned killing in our names diminishes all of us.
- Its application is deeply flawed and can be irreversibly wrong, is prone to errors, and is biased by factors such as race, the quality of legal representation, and where the crime was committed.
- We have other ways to punish criminals and protect society.”

Following this in a pamphlet published by the U.S. Conference of Catholic Bishops, *Life Matters: The Death Penalty*, the bishops declared that today “it is clear that the death penalty no longer serves a useful purpose in protecting the sanctity of human life.” They also said:

“Perhaps once it was the only way society could protect itself from those who would destroy the life of others, but today in most modern nations, judicial and penal systems have improved so much that they effectively remove further danger to innocent people by incarcerating the perpetrators of criminal violence.” [and]

“Imprisonment is effective in removing the offender from society. Importantly, it allows time for repentance and rehabilitation. And the one sure result of executing prisoners is to make us as a people more vengeful – seeking retribution and satisfying our outrage at the violent crime by more violence. …The death penalty just aggravates the injustices we have not yet been able to overcome.”

“Our witness to respect for life shines most brightly when we demand respect for each and every human life, including the lives of those who fail to show that respect for others. The antidote to violence is love, not more violence.” *USCCB, Living the Gospel of Life, no. 22*
Restorative Justice

Put a Stop to “Double Punishment”

In Pope Benedict’s address to the prisoners and employees of the Rebiba prison in Rome, he urged, “It is time to put a stop to miscarriages of justice and ill-treatment of prisoners…either without trial or with much-delayed trial.” The pope stressed that penal reforms include re-education as a fundamental element along with attention to overcrowding and deterioration – physical conditions that make the prison situation a “double punishment.”

Responsibility, Rehabilitation, and Restoration

The U.S. bishops in their statement, Responsibility, Rehabilitation, and Restoration, laid out a vision for penal reform in the U.S. that is “on message” today:

“A Catholic approach begins with the recognition that the dignity of the human person applies to both victim and offender. As bishops, we believe that the current trend of more prisons and more executions, with too little education and drug treatment, does not truly reflect Christian values and will not really leave our communities safer.”

In the document, the bishops urge that the following reforms apply to all prisons and prisoners, including those men and women on death row:

- **Establishment of innovative programs of restorative justice** that provide opportunity for mediation between victims’ families and offenders and offer restitution for crimes committed.

- **Punishment with a purpose.** Punishment for its own sake is not a Christian response to crime; it must have a purpose and be coupled with treatment and, when possible, restitution.

- **Promotion of crime prevention and poverty reduction.** Socio-economic factors such as extreme poverty, joblessness, discrimination, and racism are serious contributors to crime.

In *Life Matters: The Death Penalty*, the bishops encourage:

- **Ministering in Prisons:** Today, thanks to the ministry in prisons by Catholics and other Christians, countless inmates serving life sentences have allowed God to transform their lives. They lead Bible study groups, pray with fellow inmates, and counsel them to lead lives of virtue, placing all their trust in the Lord’s merciful love.
Facts about the Death Penalty

♦ The application is arbitrary:
  
  ♦ Racism:
    ◇ Blacks are 13% of U.S. population but 34% of those executed and 42% of those on death row.
    ◇ In Louisiana, the odds of a death sentence are 97% higher for those whose victim was white than for those whose victim was black.
    ◇ In 96% of states where there have been reviews of race and the death penalty, there was a pattern of either race-of-victim or race-of-defendant discrimination, or both.
    ◇ 98% of the chief district attorneys in death penalty states are white; only 1% are black.
  
  ♦ Poverty: Over 90% on death row could not afford their own attorney. There are no wealthy persons on death row.
  
  ♦ Geography: Only 1/7 of 3,147 U.S. counties have executed since 1976. Texas has the highest execution rate (482-5/2/12), 5 times the next highest: Virginia (109), but the penalty is used heavily in just 4 of Texas’ 254 counties.
  
  ♦ Innocence: Since 1973, over 140 persons have been released from death row with evidence of innocence, avg. 5/year from 2000-2011.
  
♦ Also:
  
  ♦ It is not a deterrent to murder: “All studies claiming a deterrent effect on murder rates from the death penalty are fundamentally flawed.” (National Research Council Report, 2012)

    ◇ Consistent with previous years, the 2010 FBI Uniform Crime Report showed that the Southern states had the highest murder rate. These states also account for over 80% of executions since 1976 when the national moratorium on the penalty was lifted. The Northeastern states, which have less than 1% of all executions, tie with the Western states for the lowest murder rate.
  
  ♦ It is extremely expensive: In Florida, e.g., enforcing the death penalty costs $51 million a year above what life in prison without parole would cost for all its first-degree murderers. Since 1976, then, the state has paid $24 million for each of its 44 executions. California taxes pay $185 million/year to house over 720 on death row.

  -- Death Penalty Information Center Fact Sheets, 2012
The Response of the Catholic Community

There is cause for encouragement in the struggle to end the use of the death penalty in the United States. Since 2007, on average, one state per year has ended the penalty. Attitudes, notably among church-going and younger Catholics, are showing a decline in support of the penalty (Box, p. 5) and state legislatures are mandating commissions to study their use of the death penalty.

As Catholics, we have the responsibility to change the culture of killing in our society: from aborting the unwanted, euthanatizing the infirm and executing the convicted to a place of care and mercy where Gospel values of restoring life and forgiveness are honored. Until state-sanctioned killings are stopped, furthermore, we will never be able to stop the private killings of abortion and euthanasia.

The U.S. Conference of Catholic Bishops in their Catholic Campaign to End the Use of the Death Penalty (2005) has called for common action in the Catholic community to bring about an end to the use of the penalty in our land. Working with the Catholic Mobilizing Network to End the Use of the Death Penalty (CMN), Catholics are urged to respond by taking the following steps:

- **Pray** for victims of crime and their loved ones, for those awaiting execution and their families, and for all those in the criminal justice system.

- **Stand with** victims and their families. Respond through programs quickly and with continuity.

- **Advocate** for public policies that replace the death penalty and promote restorative justice programs.

- **Learn** more about Catholic teaching on the death penalty as a pro-life issue. (See Resources, p. 15.)

- **Keep up with the news**, activities, and inspirational and educational resources to end the use of the death penalty through the CMN Web site and monthly electronic newsletter: [www.catholicsmobilizing.org](http://www.catholicsmobilizing.org).
“We seek to help build a culture of life,” the bishops stated in *A Culture of Life and the Penalty of Death*, “in which our nation will no longer try to teach that killing is wrong by killing those who kill. This cycle of violence diminishes all of us.”  

We can learn a great deal from families of murder victims about why the death penalty should be abolished. Many families of victims are hopeful of seeing an end to the penalty because they feel that no punishment can bring back their loved one. They believe, also, that it is better to forgive and hope for a change of heart on the part of the criminal.  

Vicki Schieber, mother of Shannon, her murdered daughter, has given witness to the strength of her belief in the principles of the Catholic faith when she said, simply: “The death penalty is against our religion, a belief system in which life is held to be sacred.”  

At the end of *Dead Man Walking*, her autobiographical account of accompanying Patrick Sonnier to his execution, Sister Helen Prejean, CSJ related the following story about the father of one of Patrick’s two victims:  

*Lloyd LeBlanc has told me that he would have been content with imprisonment for Patrick Sonnier. He went to the execution, he says, not for revenge, but hoping for an apology. Patrick Sonnier had not disappointed him. Before sitting in the electric chair he had said, “Mr. LeBlanc, I want to ask your forgiveness for what me and Eddie done,” and Lloyd LeBlanc had nodded his head, signaling a forgiveness he had already given. He says that when he arrived with sheriff’s deputies there in the cane field to identify his son, he had knelt by his boy – “laying down there with his two little eyes sticking out like bullets” – and prayed the Our Father. And when he came to the words: “Forgive us our trespasses as we forgive those who trespass against us,” he had not halted or equivocated, and he said, “Whoever did this, I forgive them.”*  

Can we do any less?
Notes


4. Ibid., chapter 21, 324-330.


RESOURCES

- Catholic Mobilizing Network to End the Use of the Death Penalty: catholicsmobilizing.org; 202-541-5290.
- Bridges To Life Restorative Justice Program: bridgestolife.org.
- Death Penalty Information Center (DPIC): deathpenaltyinfo.org.
- National Coalition to Abolish the Death Penalty (NCADP): ncadp.org.
Not all persons are innocent but all persons are sacred. Even if the judicial process was flawless and death sentences were perfectly applied, Catholic teaching would still oppose the death penalty precisely because all human life is sacred.

Renewing a Culture of Life: The Death Penalty, Restorative Justice & Catholic Social Teaching calls for common action in the Catholic community to bring about an end to the use of the death penalty in our land.

This booklet is a publication of Catholic Mobilizing Network to End the Use of the Death Penalty (CMN). It is also available in Spanish.

To order this resource, call the CMN office 202-541-5290 or visit www.catholicsmobilizing.org.

Other CMN Publications Also Available in English and Spanish

- Death Penalty Prayer Cards with death penalty facts on back by the USCCB or by Sr. Kathie Uhler, OSF
- Quotes and Facts about the Death Penalty bulletin inserts
- Workshop to end the use of the death penalty & to address life issues (1 hour) for parishes, youth groups
- A Good Friday Reflection to end the use of the Death Penalty
- Dead Man Walking, the One Act Play
- Other resources at www.catholicsmobilizing.org

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