

My Brothers and Sisters of the Household of God: For more than 30 years, the people and elected officials of the Commonwealth of Pennsylvania have refrained from killing a killer, refrained from compounding the offense of the offender by repeating it. But, during the past twenty years since the U. S. Supreme Court upheld new capital punishment statutes passed by several states, it has become a standard tactic for politicians to portray themselves as tough on crime by backing capital punishment. They are succeeding in linking fears of crime and the "quick fix" of the death penalty to the point that conventional wisdom holds it to be political suicide to oppose capital punishment (Catholic News Service 7/19/96).

As the Roman Catholic Bishop within whose ecclesiastical jurisdiction capital punishment is carried out in the name of the whole state, I need to speak out against the resumption of a practice which is both unchristian and uncivilized. I am compelled to do so by the teachings of Jesus and his Church. I am encouraged to do so by our Diocesan Peace and Justice Commission as well as persons associated with state correctional institutions. I am prompted to do so by an apparent lack of understanding of this life issue on the part of many well intentioned members of the Faithful. I want to do so in light of my annual pastoral visitations to each one of the seven state and federal correctional institutions within this Diocesan Church.

The Teaching of Sacred Scripture

Sacred Scripture confronts the issue of violence in its earliest chapters with the story of Cain and Abel (Gn 4). Cain killed his brother Abel. Yet, God refused to exact a penalty equal to the crime. God showed his mercy by allowing Cain to live, even though He did impose a severe punishment by making Cain an outcast. Cain was, thus, deprived of the benefits of living within the community. Jesus exhorted his disciples to be different from others in their thinking: to be perfect, just as the heavenly Father is perfect (Mt 5:48). The implication for Christians here is that we are called to be God-like in responding to violence, to temper justice with mercy.

Some will cite another passage of Scripture: "an eye for an eye (Ex 21:24)". However, this is taken out of context when used to support capital punishment. Examined in context, it did establish clear principles to be followed by the Israelites when dealing with someone who disrupted the orderly operation of society. But, it is clearly an instruction to limit the violence committed as retribution for an offense against the people.

It is important to remember that every offense is ultimately an offense against God. It is God's right to impose a proper punishment. And we have already noted how God handles the most severe offense.

God's justice tempered with mercy is explained in a passage from Ezekiel: "...I take no pleasure in the death of the wicked man, but rather in the wicked man's conversion, that he may live (Ez 33:11)."

Jesus taught and acted according to this fundamental principle. He stressed forgiveness and rehabilitation when He said to the woman caught in adultery, "Go and from now on do not sin again (Jn 8:11)." Equally important is Jesus' statement to the crowd which sought the approval of their desire to execute the woman according to the law. "Let the one among you who is without sin be the first to throw a stone at her (Jn 8:7)." Jesus reminded the self-righteous crowd and us, that we all have faults and weaknesses. Not one of us is qualified to throw the first stone at anyone. This Gospel passage strongly invites us to have attitudes and responses to violence that are different from the ones many Christians currently have.

Clearly, this Commonwealth's policy of capital punishment is not justified by the revealed Word of God. Anyone who claims that it does misreads the lessons taught us by the Lord of Life.

The Teaching of the Church

Nor can we justify the use of capital punishment by any teaching contained in the recently published Catechism of the Catholic Church.

"...the traditional teaching of the Church has acknowledged as well founded the right and duty of legitimate public authority to punish malefactors by means of penalties commensurate with the gravity of the crime, not excluding, in cases of extreme gravity, the death penalty (#2266)."

While such drastic punishment has been "tolerated" in the teaching of the Church, it is not what should be expected of those who believe that life is the greatest of all gifts from an Almighty God. That is why the Catechism quite naturally continues in the next paragraph: "If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority should 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 (#2267)."

Pope John Paul II makes the same point in his 1995 encyclical, *Evangelium Vitae*. There he states that an adequate punishment is a legitimate governmental response to criminal conduct. And, punishment is necessary to defend the public order and insure people's safety. But, he writes:

"It is clear that for these purposes to be achieved, the nature and the extent of the punishment must be carefully evaluated and decided upon, and ought not to go to the extreme of executing the offender except in cases of absolute necessity: in other words, when it could not be possible otherwise to defend society. Today, however, as a result of

steady improvement in the organization of the penal system, such cases are very rare, if not practically nonexistent (#56)."

He begins the paragraph by specifically mentioning the death penalty and saying: "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 (#56)."

More than 20 years ago, the Catholic Bishops of the United States voiced their opposition to the death penalty. In 1980, the National Conference of Catholic Bishops called for its abolition. The American Bishops asked whether the intentional infliction of evil on another can ever be justified. We Bishops of Pennsylvania have also issued statements in opposition to the death penalty, in 1987 and again in 1995. The title of our teaching expressed a fundamental concern: Does Taking One Life Justify the Taking of Another? Thus, the Bishops' collective opposition to capital punishment is in complete accord with the Catechism and teachings of the Church as articulated by Pope John Paul II.

Theological and Societal Considerations

This teaching of the Catholic Church is based upon its recognition of the dignity and importance of every human life, because every person is created in the image and likeness of God. Our God has charged each one of us to be custodians of his creation. We are called to be "for life" and to protect the right to life of all people. This responsibility of ours extends to the life of a convicted criminal as it does to that of an innocent unborn child.

This being true, how can we demonstrate our belief in the unique dignity of every man, woman, and child if we distinguish between lives that are innocent and others that may not be? How can we be true to our mission as advocates of life if we teach our children that violence is a legitimate response to violence and is an acceptable solution to complex social problems? We cannot and we dare not continue trying to do so.

When a society - especially one that calls itself civilized - embraces capital punishment as a normal means of redress and acts in our name when executing an offender, we all become victims. Capital punishment debases us as a cultured community and as individuals. Cardinal Joseph Bernardin warned in 1977 that the return to capital punishment can only lead to further erosion of respect for life and the increased

brutalization of society (Catholic Update, January 1995). News headlines have confirmed his fear.

Richard Nysgaard, a judge on the Third Circuit U. S. Court of Appeals, wrote: "The shameful truth is that society, by urging vengeful punishment exposes its own desire for violence. Is it proper for government to give vent to this base desire? I seriously doubt that we, as a society, can kill without doing psychological damage to our culture (America "'Vengeance is Mine,' says the Lord", Oct. 8, 1994, p. 8)."

In 1980, when the National Conference of Catholic Bishops issued its condemnation of the death penalty, there were only 500 people on death row in the United States. Today, there are more than 3,000 (America "The Death Penalty is Wrong", Feb. 18, 1995, p. 3), including more than 180 in Pennsylvania Pittsburgh Post-Gazette, May 7, 1995, p. 15).

There is no way that we can avoid doing irreparable harm to the society in which we live if we insist on responding to evil with evil. That appeared to be evident to the British when they banned capital punishment in 1965 and to the Canadians who did the same in 1976. Today, the United States is the only "first world" nation left that continues to impose the death penalty.

Practical Considerations

In addition to the reasons considered above, the death penalty should be abolished for some very practical reasons.

First: It does not act as a deterrent, as some would claim. A survey of 386 sheriffs and chiefs of police revealed that only one percent, fewer than four of those interviewed believed the death penalty is the most effective tool to reduce violent crime. An overwhelming number, 82 percent, said they believe murderers do not consider the possibility of being executed before they act (USA Today, Feb. 23, 1995, p. A11).

Even Louis Freeh, Director of the Federal Bureau of Investigation and a former federal judge, says that the death penalty is not a deterrent (News Notes, Catholics Against Capital Punishment, March 14, 1994). The statistics support him. In Texas, the state with the highest number of executions since the death penalty was reinstated by the U. S. Supreme Court in 1976, violent crime has increased by 46 percent. Harry Blackmun, Justice of the Supreme Court, stated in 1994 that the death penalty experiment has failed (Catholic Peace Voice, "Capital Punishment: A Grave Human Rights Abuse", Spring 1995, p. 5).

Second: The use of the death penalty always involves the risk that an innocent person may be executed. Between 1976 and 1993, 45 condemned prisoners were released from death row because subsequent evidence found them to be innocent (News Notes, Catholics Against Capital Punishment, March 14, 1994, p. 3). This is especially significant in light

of the popular political movement to speed up executions by reducing the constitutional safeguards which occur before a prisoner can be executed. The life of any individual, as well as the liberty of that person, is too sacred to be traded for political expedience and judicial efficiency.

Third: The death penalty is applied in a discriminatory manner, despite the guidelines set for its use by the U. S. Supreme Court in 1976. Even the General Accounting Office agrees. In its review of 28 separate studies of the imposition of the death penalty, this federal investigative agency concluded that in 82 percent of the studies, the race of the victim influenced the likelihood of a person being charged with a capital offense or receiving the death penalty (Catholic Peace Voice, "Capital Punishment: A Grave Human Rights Abuse", Spring 1995, p. 5). Amnesty International reports that African-Americans make up only 12 percent of the population of the United States, but 40 percent of the inmates on death row. Between 1976 and 1993, 84 percent of those executed were people whose victim was white, although whites and blacks were killed in equal numbers during that time (News Notes, Catholics Against Capital Punishment, March 14, 1994, p. 4). These statistics are reflective of an apparent discrimination against minorities in our entire criminal justice system.

Similarly, there is a serious question about the propriety of imposing the maximum penalty on offenders who were teenagers at the time of their crime. Of the 2,800 persons on death row last year, 32 were teenagers when they committed the crimes (America, "The Death Penalty is Wrong", Feb. 18, 1995, p. 3), and of the 226 people executed between 1976 and 1993, 9 were teenagers when they committed the crime (News Notes, Catholics Against Capital Punishment, March 14, 1994). There are documented cases, as well, of states executing people who are mentally retarded.

None of this is consistent with the principle of equal justice under the law in which this country prides itself. Nor is it consistent with the responsibilities of God's People, who are called to build the Kingdom of peace and justice on earth, a kingdom founded on the unqualified principle of respect for life.

Fourth: There is a good economic reason to abolish the death penalty. This is a time of limited state and federal budgets. Substantial funds are used in pursuing a capital conviction, the subsequent litigation in the appeal process, and the final imposition of the death penalty. The truth is that the desire for vengeance through the death penalty is very expensive. Society would be better served if those funds were directed to promoting and supporting the legitimate goals of corrections and the rehabilitation of offenders.

Fifth: It is of special concern that the carrying out of a death penalty impacts greatly upon many individuals who are not intended to be affected. The Altoona-Johnstown Diocese has the unfortunate distinction of having the site for carrying out the death penalty for all of Pennsylvania within its ecclesiastical boundaries. In addition to this facility, there are

five other state correctional facilities in the Diocese. The men and women who staff these six state institutions (along with the one federal) are dedicated professionals who work to protect the public and to facilitate and support the reformation and re-education of offenders so that they might return as law abiding and productive members of society.

Among the offenders with whom these men and women work are those who have been convicted of similarly serious offenses for which the death penalty was imposed in cases other than their own. (This is due likely to some vagary in the legal process.) How incongruous, then, must it seem to the correctional worker who, while striving to help offenders change their behavior, is called upon to participate directly or indirectly in or support a process which denies a condemned offender any opportunity for change and unequivocally considers him unfit to participate in the correctional process. The personnel of our correctional institutions are, no doubt, confused, if not dismayed and emotionally stressed by the diametrical philosophies and inconsistent approaches to the care and custody of the offenders that they are expected to observe and implement.

Pope John Paul II, as cited above, observes that there has been a "steady improvement in the organization of the penal system." The threat and use of the death penalty erodes continuing efforts by corrections officials and reform advocates alike to improve the care, treatment, and rehabilitation of offenders within our institutions. It impairs the integrity of the correctional process, minimizes the concept of human dignity, and puts in conflict the values that correctional personnel ought to be able to depend on in order to continue the steady improvement in our penal system. A rational consistent humane, and enlightened response to the corrections, incapacitation, reformation, and eventual rehabilitation of offenders demands the abandonment of the imposition of the death penalty.

Conclusion

The death penalty cannot be justified by Scripture or Church teaching. It cannot be justified on the basis of deterrence, or cost-effectiveness, or equal justice. It cannot be justified on any reasonable ground. Yet, it exists in our country. Its acceptance appears to be growing, even among those claiming to be disciples of the Lord and members of his Church.

Recent terrorist-type events appear to justify, in the minds of some, the imposition of the death penalty. Yet, all the problems that the Supreme Court thought it had remedied 20 years ago have just evolved and are just as virulent (Catholic News Service, 7/19/96). Capital punishment has not been successful as a deterrent to crime. That being the case, the only other reason for supporting the death penalty is vengeance. But, taking away from God the sole right to vengeance is presumption on our part, - we, who are in need of his mercy and for whom He sent his Son to die that we might have life.

I call upon Roman Catholics, other Christians, and all people of conscience within these beautiful Allegheny Mountains to oppose the use of capital punishment in Pennsylvania

and throughout the United States. Let us not join with those who encourage an atmosphere of vengeance and retribution in our nation.

As Pope John Paul II reminds us in *Evangelium Vitae*, the death penalty is but one portion of an overall culture of death and not even a murderer loses his personal dignity (#9, #56). We can create and pass on to the next generation a just and caring society only if we affirm in the strongest terms the sacredness of all human life.

We Catholic Bishops of the United States gave a sobering and yet hopeful reminder (*Confronting a Culture of Violence*, NCCB, 1994). Our families are torn by violence. Our communities are destroyed by violence. It doesn't have to be this way. We can turn away from violence. It begins with a clear conviction that life - all life - calls for our respect.

A handwritten signature in red ink that reads "Joseph". The signature is written in a cursive style with a small cross at the beginning of the first letter.

(Most Rev.) Joseph V. Adamec

Bishop of Altoona-Johnstown

August 29, 1996; Hollidaysburg Pennsylvania
Memorial of John the Baptist's Martyrdom and Execution in Prison