

Legislation for a Moratorium on Executions in North Carolina

A bill that would have placed a two-year moratorium on executions (Senate Bill 972) was passed by the NC Senate in April of 2003. An identical bill, introduced in the NC House of Representatives in the 2003 session and 2004 short session, was not passed by the House. Before the House in the 2005 session is House Bill 529, which calls for a two-year suspension on executions so that a comprehensive review of the administration of the death penalty can take place. During the two-year period, death penalty trials and appeals will continue.

The review would investigate: 1) whether there is bias in the way the death penalty is applied; and 2) if there are adequate safeguards against executing the innocent. The bill sets forth a list of factors concerning the death penalty process that need to be studied, including provision of sound counsel, racial discrimination, and potential prosecutorial misconduct.

The Church's Voice on the Issue

Statements urging an end to the use of the death penalty have been issued by the Vatican, the U.S. Bishops, and the bishops of North Carolina's two dioceses. The Church's call to end the use of the death penalty in modern society has grown louder and been issued with ever greater frequency in recent years. This call has become part of the Church's broad based promotion of a "culture of life," a call dear to the heart of Pope John Paul II, who often lamented the pervasive "culture of death" in society.

Church teaching does not consider the use of the death penalty, against those for whom culpability for serious crimes has been conclusively established, an intrinsic moral evil. Its use is permissible when certain very strict conditions exist, as stated in Section 2267 of the 1997 Revised Catechism of the Catholic Church. Societies that have the resources to protect the innocent and separate offenders from doing further harm are urged to abandon the use of the death penalty. In so doing, the dignity of human life is affirmed and greater hope exists that the criminal offender, no matter how egregious an

act of violence has been committed, will in time obtain spiritual healing, seek God's forgiveness, and find salvation. The Church clearly states that the death penalty, if it must be applied to protect human lives, should only be used when guilt is fully determined.

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 definitely taking away from him the possibility of redeeming himself - cases in which the execution of the offender is an absolute necessity are very rare, if not practically non-existent. (Sec. 2267, 1997 Revised Catechism)

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Our society might very well have already executed some innocent persons. Such a fact is difficult to prove, given the destruction of evidence and the closing of files after executions. Yet the high number of innocent people who have been released from death row after having been duly convicted of capital crimes (119 since 1976) in the courts of our nation, certainly begs the question whether only those truly guilty of capital crimes have been executed.

A moratorium on executions should receive support from those who oppose all executions. It should also receive support from those who believe such punishment is justified, yet want to make sure the death penalty is only imposed on the truly guilty and applied in an even handed manner, without bias against those who are poor and members of minority groups.

Since 10/1/94, NC law requires that anyone convicted of 1st degree murder and not sentenced to death, must be sentenced to life in prison without the possibility of parole.

How Can One Promote a Two-Year Moratorium on Executions?

During this critical period, NC House legislators are determining their position on HB 529. **If the NC House does not pass HB 529 by May 19, then it will likely not be voted on in this session.**

Now is the time to join others in advocating for a moratorium on executions in North Carolina. Please contact your representative, via phone, mail, e-mail or fax – in person if possible. The General Assembly phone # is 919-733-7928. Find out who represents you in the NC House by going to www.ncleg.net - click on "Representation;" or call your county's Board of Elections and provide your address.

A moratorium on executions will become law only when a significant number of constituents express their support for a moratorium to their legislators. Consider meeting with your pastor and expressing your willingness to volunteer to lead an information and advocacy campaign in your parish.

Opinion polls show diminishing support for the death penalty among Catholics nationwide, and among North Carolinians in general. The many stories of innocence established and inmates released, after years spent on death row, are changing society's attitude on this mode of punishment. Support House Bill 529.

Need more information? Go to:

Catholics Against Capital Punishment:

<http://www.cacp.org>

Death Penalty Information Center:

<http://www.deathpenaltyinfo.org>

North Carolina Coalition for a Moratorium

<http://www.ncmoratorium.org>

People of Faith Against the Death Penalty:

<http://www.pfadp.org>

United States Conference of Catholic Bishops:

<http://www.usccb.org/sdwp/national/dea.htm>

Share this brochure with others. It can be found on the Office of Justice and Peace/CSS web page: <http://www.cssnc.org/justicepeace>, (go to Resources).

Some Death Penalty Facts in NC

On North Carolina's death row, 182 people await execution. Since 1976, there have been 35 executions in North Carolina. Only the governor of North Carolina has the authority to grant clemency.

Since 1976, 119 people have been released from death rows in the U.S.A. based on new evidence (e.g. DNA) that exonerated them of the capital crimes for which they were originally convicted and sentenced to death. Since 1976, five inmates have been released from North Carolina's death row and freed from prison.

Nearly every person on North Carolina's death row is a person without means, with over 90% defended by court-appointed attorneys. A recent Columbia Law School study, "A Broken System: Error Rates in Capital Cases," found that 71% of all death penalty convictions in North Carolina between 1973 and 1995 involved serious error at the trial court level. A 1989 study in North Carolina showed that a defendant's chances of receiving the death penalty were 3.5 times greater if the victim was white, no matter the race of the defendant.

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The Church's opposition to the use of the death penalty in modern society and the Church's current concern that the death penalty process needs to be studied (to eliminate bias and errors in its application) in no way diminishes the Church's heartfelt concern for the victims of terrible acts. I call on all the faithful to reach out to those who have experienced the violent death of loved ones. Let us pray for their healing and for the souls of their departed loved ones. (From the May 4, 2005 letter of Most Reverend Peter J. Jugis, Bishop of Charlotte, to the clergy and laity of the diocese).

The Catholic Church's position on the death penalty has evolved over the past several decades in calling us to see that the justice we seek is not vengeance, and that ending another life does not restore life already taken. (From the Winter 2002 The Common Good, the Office of Justice and Peace, Diocese of Charlotte).

What is the "Consistent Ethic of Life" espoused by the Catholic Church?

The Consistent Ethic of Life (a.k.a. the Seamless Garment of Life Ethic) calls us to affirm human life from the moment of conception to natural death. The Consistent Ethic of Life especially calls us to respect and protect innocent human life threatened by such evils as abortion, euthanasia, infanticide, and genocide. The lives of the innocent must also be protected from acts of war, from unjust economic forces, and from bio-medical developments that threaten human life on never before imagined scales. We are especially called to protect the powerless - those who are unable to offer their own defense against forces that threaten harm and death.

The Consistent Ethic of Life also is an affirmation to choose life over death even with regards to those who have committed terrible crimes upon the innocent, yet now are effectively restrained and separated from society. This affirmation of life over death limits our use of lethal force to protect the innocent only as an absolute last resort when all other means of protecting the innocent have been tried and exhausted.

We are called to build a culture of life through education, charity, service and advocacy – a culture of life founded on a dignity and respect that flows from our firm belief that human life is made in the image and likeness of God. The Consistent Ethic of Life is a call to love as proclaimed by Jesus Christ in the Gospels:

**Love God and your neighbor as yourself
Love one another as I have loved you
Love your enemies and those who hate you**

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A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitively denying criminals the chance to reform. I renew the appeal I made most recently at Christmas for a consensus to end the death penalty, which is both cruel and unnecessary. (Pope John Paul II, Jan. 27, 1999, St. Louis, Missouri).

*Seeking Justice,
Seeking Fairness,
Promoting Life*

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A resource prepared by the

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*on the Catholic Church's teaching on
the death penalty and on the campaign
for a moratorium on executions in NC
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We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders. The death penalty offers the tragic illusion that we can defend life by taking it. (From A Good Friday Appeal to End the Death Penalty, U.S. Catholic Bishops, April 1999).