



Department of Social Development and World Peace
Office of Domestic Social Development

Background on The Death Penalty
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The number of people facing execution in the United States is the smallest since the Supreme Court reinstated capital punishment 30 years ago. Only 14 U.S. states carried out executions in 2006, and only six states (Florida, North Carolina, Ohio, Oklahoma, Texas and Virginia) conducted more than one execution. The total number of executions in 2006 was 53, down 12% from 2005 and 46% fewer than in 1999. The number of people on the nation's death rows decreased for the fifth consecutive year (to 3,366), after 25 years of steady increases. According to a May 2006 Gallup poll, more Americans now support life sentence without parole as punishment for murder rather than the death penalty.

Executions have been halted in at least eight states and the federal system pending study of charges that the lethal injections are causing needless, excruciating pain. The courts are reviewing evidence in light of the Eighth Amendment's ban on cruel and unusual punishment. The Supreme Court has not yet reviewed a lethal injection case, but the Court did decide in a Florida case, *Hill v. McDounough*, that challenges to lethal injection procedures can be brought under civil rights law.

The citizens of Illinois are in the seventh year of a moratorium on all executions, North Carolina and California have begun legislative studies of their death penalty system. And New York has yet to reinstate its overturned death penalty statute.

The New Jersey Death Penalty Study Commission recommended that New Jersey abolish its death penalty. The commission's January 2, 2007 report found "no compelling evidence" that capital punishment serves a legitimate purpose. The commission also found the death penalty to be "inconsistent with evolving standards of decency," a phrase almost identical to that used by Trenton Bishop John M. Smith when he testified before the commission last July on behalf of the New Jersey Catholic Conference. New Jersey Governor Jon Corzine's announced "As someone who has long opposed the death penalty, I look forward to working with the legislature" to implement the recommendations.

LEGISLATIVE UPDATE

A bill in the last Congress that would have streamlined current law and *habeas corpus* procedures in order to speed up the execution process, *The Streamlined Procedures Act of 2005*, (SPA) was not acted upon. The U.S. Conference of Catholic Bishops opposed the bill because it would have dramatically diminished the federal courts' ability to consider *habeas corpus* petitions in death penalty cases, even in cases of actual innocence. The Conference will continue to monitor federal legislation for other efforts to expand the death penalty or undermine the ability of death row inmates to seek review of their cases.

SUPREME COURT ACTION

The U.S. Supreme Court held (5-4) in *Kansas v. March* that the Kansas' death penalty statute, which requires that a death sentence be imposed when a jury finds that the aggravating and mitigating circumstances in a case have equal weight, is constitutional. In *House v. Bell*, the Court ruled 5-3 that a Tennessee inmate could pursue his appeal in federal court because of doubts raised through DNA testing of evidence from his trial.

The Court's sharp division on many death penalty issues was also reflected in the first decision of its new term, *Ayers v. Belmontes*, a 5-4 decision upholding a California death sentence. The dissenters said that the state's interests in carrying out an execution so long after the trial were small compared to the defendant's interests in a reliable proceeding.

The U.S. Supreme Court agreed to hear another death penalty case from Texas (*Panetti v. Quarterman*), this one involving a defendant who may be mentally incompetent. In 1986, the Supreme Court held that it is unconstitutional to execute an inmate who is presently insane. The U.S. Court of Appeals for the 5th Circuit ruled that Scott Panetti, who was allowed to defend himself in his Texas trial despite his schizophrenia and 14 stints in mental hospitals, and who says the devil compelled his actions, was aware that he committed a crime and that he was to be punished. The question for the Supreme Court is whether mere awareness of one's acts can be equated with mental competence, or whether the person also needs to rationally understand what is taking place.

Also, The Court has agreed to hear a case regarding the exclusion of capital jurors to its docket this term. The case, *Uttecht v. Brown* involves the removal of a potential juror from a death penalty trial because of the juror's views about capital punishment.

USCCB POSITION

Since 1980, the U.S. Catholic bishops have taken a strong and principled position against the use of the death penalty in the United States. The Catholic Church opposes the use of the death penalty not just for what it does to those guilty of horrible crimes, but for how it diminishes all of us and society as a whole. Last November, the U.S. Catholic Bishops affirmed this position in their statement *A Culture of Life and the Penalty of Death*. This statement complements the efforts of the Catholic Church for many years and is a part of a comprehensive Catholic Campaign to End the Use of the Death Penalty launched in March of 2005. Moreover, Pope John Paul II, in both *The Gospel of Life* and the revised Catechism of the Catholic Church, stated that our society has adequate alternative means today to protect society from violent crime without resorting to capital punishment.

WHAT YOU CAN DO

- Get involved in efforts to restrict, restrain and end the use of the death penalty at the state and federal levels.
- Use the resources and materials available for The Catholic Campaign to End the Use of the Death Penalty (see: www.ccedp.org).

For More Information

Thom Shellabarger at the USCCB, 202 541 3189 or tshellabarger@usccb.org www.usccb.org/sdwp