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A Moratorium On Executions In Virginia

Almost twenty-seven years ago I became involved in the capital punishment debate. Governor Miles Godwin of Virginia had appointed me to serve on an *ad hoc* committee to study the feasibility of re-instating the death penalty in the Old Dominion. At that time, the Commonwealth of Virginia had a moratorium on the death penalty. The US Supreme Court had previously nullified death penalty laws, ruling that they were disproportionately applied against the poor who could not afford adequate legal representation. With the same decision, the Court struck down the death penalty as cruel and unusual punishment. Our committee consisted of twenty-four members including lawyers, law enforcement officers, social workers and clergy. After spending an entire year studying the many ramifications, we all came to the same conclusion: Virginia should not re-instate the death penalty; the moratorium on capital punishment should remain in effect.

Throughout my twenty-seven years as bishop of the Diocese of Richmond, I have adamantly opposed the death penalty even in the case of the most heinous crimes. Yes, I have heard the standard arguments favoring the death penalty. Advocates of capital punishment repeatedly refer to the scriptural precept of "an eye for an eye" or to society's need to protect itself from dangerous criminals or to the victim's right to seek vengeance. Until recently, about 80% of Virginia's citizens has favored the death penalty. This large majority has included our own Catholic people. So, a public stand against capital punishment has certainly been risky business. On many occasions, those who have opposed the death penalty have been labeled as "do-gooders", "fuzzy-thinkers" and "bleeding hearts".

I am happy to say that twenty-seven years later attitudes about capital punishment have begun to change. To the chagrin of many law enforcement officers, DNA testing has ascertained that some who have been languishing on death row are actually innocent, victims

themselves of a humanly flawed criminal justice system. The pro-life movement has compelled many to reconsider entrenched positions that once defended the execution of criminals. People are grappling with the fundamental contradiction between upholding the sanctity of all life and supporting murder sanctioned by the State. We cannot genuinely believe that all human life is sacred, an unrepeatable gift from God, while allowing the State to authorize and carry out calculated and deliberate homicide. The inconsistency lessens the credibility of our pro-life stance and, worse, weakens our own conviction that human life is always to be respected and protected. To kill in order to say that killing is wrong certainly has a hollow and unconvincing ring to it.

Our Church fosters and encourages these changes in attitude. Church leaders, and most prominently Pope John Paul II, have spoken out strenuously to condemn the use of capital punishment. Our Holy Father states that legalized killing of criminals cannot be justified in light of the responsible alternatives that can effectively replace the death penalty. The victim of a violent attempt on his own life, our Holy Father extended forgiveness and personally sought reconciliation with his assailant. Sister Helen Prejean, who wrote Dead Man Walking, has crusaded against the death penalty and has presented her views many times here in our diocese. She recounts the stories of victims who reject the death penalty as a futile form of vengeance, incapable of healing the spiritual and emotional wounds inflicted by violent crime.

Like everyone else, I want to be protected against acts of violence. I do not want my life placed in jeopardy by another person. Here in Virginia, those natural concerns are effectively addressed by an alternative to the death penalty, namely, life in prison without parole. With this new law, thankfully, the numbers on death row in the Commonwealth have been substantially reduced. Yet, Virginia continues with the distinct reputation of putting more people to death with the exception of the State of Texas.

I cannot help but wonder if truly innocent persons are among those executed here in Virginia and elsewhere throughout the country. I am troubled by the execution of those who, while truly having committed the crime, are in reality severely mentally retarded individuals. Others are executed who, although tried and convicted as adults, were actually minors when they committed their crime. Also troubling are those instances where juries hand down the death penalty unaware that mitigating evidence has been hidden from them, or because evidence that would have cast doubt on the accused person's guilt, or

would have even supported the accused person's innocence, was withheld from them. Right now in Virginia, no new evidence can be presented twenty-one days beyond the sentencing date – even if that evidence could call the person's guilt into doubt – even though the evidence could prove that an innocent person is sitting on death row. I strongly hope that the Virginia General Assembly will repeal this so-called "Twenty-One Day Rule", particularly in cases involving the death penalty.

Let me assure you that I am not "soft on crime". Those running for public office obviously have a better chance of election if they portray themselves as "tough on crime". While they might be tough on criminals – exacting longer sentences and promoting the use of the death penalty, they often do little or nothing to stop crime itself. They are not "tough on crime", in fact they only cultivate crime when they fail to address effectively the real causes of crime: poverty, discrimination and injustice. One thing that we learned conclusively from our yearlong study of the death penalty back in 1973 is this: the death penalty does not deter crime; rather, it exacerbates crime because of its effect to cheapen life and render life expendable. Our current fascination with guns as a means of protection can also have just the opposite effect, making guns so available that the circumstances for violent crime expand while the extent of our safety actually declines. It makes no sense to say that we can curb violence by making guns more plentiful. This only makes guns more accessible to those who would use them for violence.

The Virginia General Assembly has begun to meet for another session, this time for sixty days. I would hope that legislators will vote to repeal death penalty statutes because effective alternatives do exist, like "life in prison without parole", which can protect our citizens. Virginia would save millions of dollars with the abolishment of the death penalty. At the very least, I would hope that the legislators will approve a moratorium on executions, as is happening in other states, so that current laws and procedures can come under close and substantial scrutiny.

In a broader way, I hope and pray for the day when the United States will no longer be a companion with China, North Korea, Saudi Arabia, Iraq, Iran and Pakistan in being the only countries in the entire world where capital punishment is part of a "civilized" way of life. I look hopefully toward the day when our nation will proudly and wisely join those countless others who have come to reject the death penalty as the outmoded deception it truly is – powerless to uphold the sanctity

of life, useless in protecting life, good for nothing but cheapening the value of life.

+ Walter F. Sullivan
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